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58th Congress, 2d Session. } SENATE. { Document No. 319.

INDIAN AFFAIRS.

LAWS AND TREATIES.

Vol. I.

(LAWS.)

Compiled to December 1, 1902.

COMPILED AND EDITED
BY
CHARLES J. KAPPLER, LL. M.,
Clerk to the Senate Committee on
Indian Affairs.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1904.

Resolved, That the Committee on Indian Affairs is hereby authorized to have prepared for the use of the Senate a compilation of all treaties, laws, and Executive orders now in force relating to Indian affairs.

Passed the Senate May 20, 1902. (Congressional Record, Fifty-seventh Congress, first session, p. 5665.)

4623

PREFACE.

An accurate compilation of the treaties, laws, Executive orders, and other matters relating to Indian affairs, from the organization of the Government to the present time, has been urgently needed for many years, and its desirability has been repeatedly emphasized by the Commissioner of Indian Affairs in his annual reports to Congress. The present work was undertaken by the Senate Committee on Indian Affairs in pursuance of the recommendation of the Commissioner and to meet the pressing need which the committee found for a correct compilation, convenient in form and properly indexed, so that any law, treaty, or order could readily be found. Much difficulty and vexatious delay have heretofore preceded the finding of the text of Indian treaties, orders, laws, and subsequent amendments thereto, in the scattered form in which they have only been obtainable.

Owing to the great mass of matter to be examined and edited, much caution and judgment had to be exercised to keep the volumes within bounds. It is believed that the two volumes comprising this work contain everything necessary to a proper understanding of Indian legislation.

The general form of the Statutes at Large has been followed, as being familiar to publicists and lawyers and best suited to meet practical requirements. With the annotations and footnotes, and the complete index and cross references accompanying the volumes, little delay or difficulty should be experienced in research.

At the suggestion of the Commissioner of Indian Affairs, the correct modern spelling of Indian names, as decided by the Indian Office and the Bureau of Ethnology, has been introduced and adopted in the headlines to the treaties, but in the text it was found expedient to follow the orthography of the Statutes.

The compiler is especially indebted to Mr. W. E. Richardson, Messrs. Ralston & Siddons, and Mr. W. T. Sherman Doyle, of the bar of the District of Columbia, for most valuable assistance in making the compilation. He also takes pleasure in acknowledging his indebtedness to Senator William M. Stewart, Hon. W. A. Jones, Commissioner of Indian Affairs; Maj. Charles F. Larrabee and Mr. C. G. Porterfield, of the Indian Office, for much careful review work and many wise suggestions.

CHARLES J. KAPPLER.

WASHINGTON, D. C., *February 1, 1903.*

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TREATIES, LAWS, ETC., RELATING TO INDIAN AFFAIRS.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound three thousand copies of Senate Document Numbered Four hundred and fifty-two, Fifty-seventh Congress, first session, entitled Treaties, Laws, Executive Orders, and so forth, Relating to Indian Affairs, as revised, three hundred of which shall be for the use of the Senate, eight hundred for the House of Representatives, two hundred for the Commissioner of Indian Affairs, fifty for the House Committee on Indian Affairs, fifty for the Senate Committee on Indian Affairs, one hundred for the Department of the Interior, and the remaining one thousand five hundred shall be sold by the Superintendent of Documents.

Passed, January 28, 1904.

PREFACE TO THE SECOND EDITION.

It is both gratifying and encouraging that the large demand for the Compilation of Treaties, Laws, Executive Orders, etc., relating to Indian Affairs induced the Congress to provide for the printing and binding of three thousand additional copies. The new edition has afforded the compiler an opportunity to make such typographical and other corrections as were discovered in the first print, to insert several treaties and documents which were heretofore unobtainable, and to add the signatures subscribed to each treaty which were omitted in the first edition to save space. With these additions and corrections it is believed the compilation is as perfect as practicable.

It is not generally known that from 1778 to 1871 treaties were made by the United States with the Indian tribes, and that by the act of March 3, 1871 (16 Stats., 566, "Laws"—8), Congress provided "that hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty." Since 1871 the United States have entered into agreements with the Indian tribes, which agreements must pass both Houses of Congress and be signed by the President; whereupon they become laws. In consequence, a division of treaties and agreements is made in the compilation by arranging the former in the volume entitled "Treaties" and the latter in the volume entitled "Laws."

Acknowledgment of valuable suggestions is hereby accorded to the officials of the Indian Office and to a number of prominent lawyers versed in Indian legislation. Especial acknowledgment is made to William E. Richardson, of the bar of the District of Columbia, and to James D. Finch, jr., assistant clerk of the Senate Committee on Indian Affairs.

CHARLES J. KAPPLER.

WASHINGTON, D. C., *March 2, 1904.*

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PART I.

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R. S., p. 78.
Commissioner of Indian Affairs.

9 July, 1832, c. 174, s. 1, 4 Stat., 564.

SEC. 462. There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary ([a]) of three thousand dollars a year.

NOTE.—([a]) Salary was increased to three thousand five hundred dollars in the legislative appropriation act of June 15, 1880 [21 Stats., 231], and further increased to four thousand dollars in the legislative appropriation act of August 5, 1882 [22 Stats., 247].

Duties of Commissioner.

9 July, 1832, c. 174, s. 1, 4 Stat., 564.
27 July, 1868, c. 259, s. 1, 15 Stat., 228.
3 Mar., 1875, c. 132, s. 8, 9, 18 Stat., 450, post, p. 25.

SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations.

Accounts for claims and disbursements.

9 July, 1832, c. 174, s. 2, 4 Stat., 564.
15 Aug., 1876, c. 289, s. 5, 6, 19 Stat., 199, post, p. 27.

SEC. 464. All accounts and vouchers for claims and disbursements connected with Indian affairs shall be transmitted to the Commissioner for administrative examination, and by him passed to the proper accounting officer of the Department of the Treasury for settlement.

Regulations relating to Indian affairs.

30 June, 1834, c. 162, s. 17, 4 Stat., 738.
35 Fed. Rep., 575.
24 Ct. Cls., 321.

SEC. 465. The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs.

[SEC. 466. Repealed by act of March 3, 1891, 26 Stat., 851, post, p. 58.]

Sale of arms, etc., to Indians prohibited.

14 Feb., 1873, c. 138, s. 1, 17 Stat., 457.

SEC. 467. The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilized or hostile Indians, and shall enforce the same.

Commissioner to report annually to Congress.

2 Mar., 1867, c. 173, s. 5, 14 Stat., 515.

SEC. 468. The Commissioner of Indian Affairs shall annually report, separately, to Congress, a tabular statement showing distinctly the separate objects of expenditure under his supervision, and how much disbursed for each object, describing the articles and the quantity of each, and giving the name of each person to whom any part was paid, and how much was paid to him, and for what objects, so far as they relate to the disbursement of the funds appropriated for the incidental, contingent, or miscellaneous expenses of the Indian service, during the fiscal year next preceding each report.

NOTE.—By the act of Mar. 3, 1875, 18 Stat., 450 (post, p. 25), the Secretary of the Interior is required to report to Congress the items paid out of the appropriation for the previous year. By the act of Aug. 15, 1876, 19 Stat., 176 (post, p. 27), the Commissioner is required to report annually a statement of all bids, proposals and awards. By the act of Mar. 2, 1887, 24 Stat., 449 (post, p. 36) the Secretary is required to report annually the expenditure of the education fund and statistics as to the various schools.

Reports of Indian supplies.

14 Feb., 1873, c. 138, s. 7, 17 Stat., 463.
3 Mar., 1875, c. 132, s. 8, 18 Stat., 450.

SEC. 469. The Commissioner of Indian Affairs shall embody in his annual report the reports of all agents or commissioners issuing food, clothing, or supplies of any kind to Indians, stating the number of Indians present and actually receiving the same.

NOTE.—By the act of Mar. 3, 1875, 18 Stat., 450 (post, p. 25), this report is required to be made on the first day of the session.

TITLE XIII.—*The Judiciary.*

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*   *   *   *   *   *   *

R. S., p. 197.
Claims growing out of treaties not cognizable therein.

3 March, 1863, c. 92, s. 9, 12, Stat. 767.
Ex parte Atocha, 17 Wall., 439.

SEC. 1066. The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December one, eighteen hundred and sixty-two, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.

TITLE XIV.—*The Army.*

CHAPTER 1.—*Organization.*

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1094. Composition of the Army.	1112. Indian scouts.

R. S., p. 202.
Composition of the Army.

28 July, 1866, c. 299, s. 6, 14 Stat. 332.
24 July 1876, c. 226, s. 1, 19 Stat., 97. 12 Aug. 1876, c. 263, 19 Stat. 131.

SEC. 1094. The Army of the United States shall consist of— * *

A force of Indian scouts not exceeding one thousand.

*   *   *   *   *   *   *

R. S., p. 204.
Indian scouts.

28 July, 1866, c. 299, s. 6, 14 Stat., 333.
24 July, 1876, c. 226, s. 1, 19 Stat., 97.
12 Aug., 1876, c. 263, 19 Stat., 131. 16 Opinions, p. 451.

SEC. 1112. The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander.

NOTE.—The Army appropriation act for 1877, passed July 24, 1876, provided payment for only three hundred Indian scouts, but the act of August 12, 1876, repealed the implied limitation, and sections 1094 and 1112 were continued in force. (Post page 27.)

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CHAPTER 3.—*Pay and allowances.*

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SEC. 1276. Indian scouts.

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R. S., p. 221.
Indian scouts.

28 July, 1866, c. 299, s. 6, 14 Stat., 333.

SEC. 1276. Indians, enlisted or employed by order of the President as scouts, shall receive the pay and allowances of cavalry soldiers.

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TITLE XXIII.—*The Territories.*

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* * * * * * * *

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* * * * * * *

R. S., p. 325.
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N. Mex., 9 Sept., 1850, c. 49, s. 2, 9 Stat., 447.
Utah, 9 Sept., 1850, c. 51, s. 1, 9 Stat., 453.
Colo., 28 Feb., 1861, c. 59, s. 1, 12 Stat., 172.
Idaho, 3 March, 1863, c. 117, s. 1, 12 Stat., 808.
Dak., 2 March, 1861, c. 86, s. 1, 12 Stat. 239.
Ariz., 24 Feb., 1863, c. 56, s. 1, 12 Stat., 664.

SEC. 1839. Nothing in this Title shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

Mont., 26 May, 1864, c. 95, s. 1., 13 Stat., 85.
Wash., 2 Mar., 1853, c. 90, s. 1, 10 Stat., 172.
Wyo., 25 July, 1868, c. 235, s. 1, 15 Stat., 178.
3 Wyoming, 430.

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TITLE XXVIII.—*Indians.*

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R. S., p. 359.
Board of Indian commissioners.

10 April, 1869, c. 16, s. 4, 16 Stat., 40.
15 July, 1870, c. 296, s. 3, 16 Stat., 360.
17 May, 1882, c. 163, 22 Stat., 70.

SEC. 2039. There shall be a board of Indian commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

Secretary to the commissioners.

15 July, 1870, c. 296, s. 3, 16 Stat., 360.

SEC. 2040. The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board.

[SECS. 2041 and 2042. By the act of May 17, 1882, post page 29, the power of the commission is restricted to visiting and inspecting agencies and other branches of the Indian service, and to inspecting goods purchased. The Commissioner of Indian Affairs is required to consult with them in the purchase of supplies.]

R. S., p. 360.
Appointment of Indian inspectors; term of office.

14 Feb., 1873, c. 138, s. 6, 17 Stat. 463.

SEC. 2043. There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors, not exceeding five in number, to perform the duties required of such inspectors by the provisions of this Title. Each inspector shall hold his office for four years, unless sooner removed by the President.

NOTE.—By the act of March 3, 1875, post page 23, the number of inspectors was reduced to three, notwithstanding which subsequent appropriations are for five and more inspectors.

By the act of June 28, 1898, post page 100, an inspector for the Indian Territory is provided.

Salary and expenses.

Ibid.

SEC. 2044. Each inspector shall receive an annual salary of $3,000 and his necessary traveling expenses, not exceeding ten cents a mile for actual travel while in the discharge of his duty, a statement of which expenses as to each inspector shall accompany the annual report of the Secretary of the Interior.

NOTE.—For allowance to the inspector located in Indian Territory, see the act of March 3, 1901, post page 111.

Powers and duties of inspectors.

Ibid.

SEC. 2045. Each Indian superintendency and agency shall be visited and examined [as often as twice a year by one or more of the inspectors.] Such examination shall extend to a full investigation of all matters pertaining to the business of the superintendency or agency, including an examination of accounts, the manner of expending money, the number of Indians provided for, contracts of all kinds connected with the business, the condition of the Indians, their advancement in civilization, the extent of the reservations, and what use is made of the lands set apart for that purpose, and, generally, all matters pertaining to the Indian service. For the purpose of making such investigations, each inspector shall have power to examine all books, papers, and vouchers, to administer oaths, and to examine on oath all officers and persons employed in the superintendency or agency, and all such other persons as he may deem necessary or proper. The inspectors, or any of them, shall have power to suspend any superintendent or agent or employé, and to designate some person in his place temporarily, subject to the approval of the President, making immediate report of such suspension and designation; and upon the conclusion of each examination a report shall be forwarded to the President without delay. The inspectors, in the discharge of their duties, jointly and individually, shall have power, by proper legal proceedings, which it shall be the duty of the district attorney of the United States for the appropriate district duly to effectuate, to enforce the laws, and to prevent the violation of law in the administration of affairs in the several agencies and superintendencies. So far as practicable, the examinations of the agencies and superintendencies shall be made alternately by different inspectors, so that the same agency or superintendency may not be examined twice in succession by the same inspector or inspectors.

NOTE.—The above provision that inspection shall be made twice a year (inclosed in brackets) is repealed by the act of March 3, 1875, post page 23.

[SECS. 2046 to 2051. NOTE.—These sections provide for the office of superintendent, which, under the authority of the act of February 14, 1873, sec. 6, 17 Stat., 463, the President has discontinued.]

Indian agents; appointments, salaries.

14 Feb., 1873, c. 138, s. 1, 17 Stat., 437.
22 June, 1874, c. 389, 18 Stat., 147.
27 May, 1878, c. 142, 20 Stat., 65.
24 Ct. Cls., 422.

SEC. 2052. The President is authorized to appoint from time to time, by and with the advice and consent of the Senate, the following Indian agents:

Three for the tribes in Oregon.
Fourteen for the tribes east of the Rocky Mountains, and north of New Mexico and Texas.
Seven for the tribes in New Mexico.
Three for the tribes in the Territory of Washington.
One for the tribes in Kansas.
One for the Kickapoos.
One for the Delawares.
Two for the tribes in Utah.
One for the Poncas.
One for the Pawnees in Nebraska, each with an annual salary of fifteen hundred dollars.
Four for the tribes in California, at an annual salary of eighteen hundred dollars each.
Three for the tribes in Texas.
One for the Wichitas and neighboring tribes west of the Choctaws and Chickasaws, at an annual salary of one thousand dollars.

NOTE.—The provisions of this act appear never to have been conformed to, and agents hold their office and are paid in accordance with the provisions made in the annual appropriation acts, which vary each year. See also post p. 67.

Services of certain agents and superintendents to be dispensed with.

Ibid, p. 436.
22 June, 1874, c. 389, 18 Stat., pp. 147 and 197.

SEC. 2053. It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary.

Indian agents to report to Commissioner in certain cases.

15 July, 1870, c. 296, s. 6, 16 Stat., 360.

SEC. 2054. Whenever any one or more of the superintendencies is abolished by law, or discontinued by the President, the Indian agents in such superintendencies shall report directly to the Commissioner of Indian Affairs.

[SEC. 2055. NOTE.—This section, fixing the salary of Indian agents, was superseded by numerous appropriation acts making temporary provisions for the salaries received by the various agents, and the rate has been permanently fixed in the act of August 15, 1894, post page 67.]

Term of office.

Feb. 27, 1851, 9 Stat., 587.
Apr. 8, 1864, 13 Stat., 40.

SEC. 2056. Each agent shall hold his office for the term of four years, [*and until his successor is duly appointed and qualified.*]

NOTE.—As amended by the act of May 17, 1882, post page 29.

Bond of Indian agents.

27 Feb., 1851, 14, s. 6, 9 Stat., 587.
3 Mar., 1875, post p. 23.
74 Fed. R., 158; 9 Sawyer, 159; 81 Fed. R., 941.

SEC. 2057. Each Indian agent, before entering upon the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require.

Duties of Indian agents.

30 June, 1834, c. 162, s. 7, 4 Stat., 736.
5 June, 1850, c. 16, s. 4, 9 Stat., 437.
27 Feb., 1851, c. 14, s. 5, 9 Stat., 587.
22 June, 1874, c. 389, s. 4, 18 Stat., 176.
See 2 Ct. Cls. 261 and 58 Ark., 12.

SEC. 2058. Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians agreeably to law; and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the superintendent of Indian affairs.

NOTE.—The provisions as to books and records of accounts and expenditures are in act of March 3, 1875, post page 23.

Discontinuance and transfer of agencies.

30 June, 1834, c. 162, s. 4, 4 Stat., 735.

SEC. 2059. The President shall, whenever he may judge it expedient, discontinue any Indian agency, or transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require.

NOTE.—In the act of May 17, 1882 (post p. 29) there is a provision evidently intended as a substitute for this section.

Residence of Indian agents.

Ibid.

SEC. 2060. Every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission.

Limitation on visits to Washington by agents for Indians in California.

8 Apr., 1864, c. 48, s. 7, 13 Stat., 41.

SEC. 2061. All Indian agents appointed for California shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the Commissioner of Indian Affairs. The Commissioner shall report all cases of the violation of this section to the President, with the request that the agents offending be at once removed from office.

[SEC. 2062. NOTE.—A substitute for this section is contained in the act of July 1, 1898, post p. 100.]

Compensation for extra services performed by agents and subagents.

31 May, 1832, c. 109, s. 2, 4 Stat., 520.

SEC. 2063. No compensation beyond their actual expenses for extra services shall be allowed any Indian agent or sub-agent for services when doing duty under the order of the Government, detached from their agency and the boundary of the tribe to which they are agents or sub-agents.

Acknowledgment of deeds, etc., by agents.

3 March, 1855, c. 204, s. 10, 10 Stat., 701.
July 26, 1892, c. 255, post p. 64.

SEC. 2064. Indian agents are authorized to take acknowledgments of deeds, and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose, by the Secretary of the Interior; and acknowledgments so taken shall have the same effect as if taken before a justice of the peace.

Appointment of sub-Indian agents.

30 June, 1834, c. 162, s. 5, 4 Stat., 736.
1 Ct. Cls. 260.

SEC. 2065. A competent number of sub-Indian agents shall be appointed by the President, with a salary of one thousand dollars a year each, to be employed, and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of one thousand dollars, for the faithful execution of their duties. But no sub-agent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.

Limits of superintendencies, agencies, and subagencies.

30 June, 1834, c. 162, s. 7, 4 Stat., 736; 3 Mar., 1847, c. 66, s. 1, 9 Stat., 203.

SEC. 2066. The limits of each superintendency, agency, and subagency shall be established by the Secretary of the Interior, either by tribes or geographical boundaries.

Special agents and commissioners.

3 Mar., 1863, c. 99, s. 1, 12 Stat., 792.

SEC. 2067. All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior.

Interpreters to the agencies.

30 June, 1834 c. 162, s. 9, 4 Stat., 737.

R. S., p. 363.

SEC. 2068. An interpreter shall be allowed to each agency. Where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of the Interior, for each of such tribes. Interpreters shall be nominated by the proper agents, to the Department of the Interior, for approval, and may be suspended by the agent from pay and duty, and the circumstances reported to the Department of the Interior for final action.

SEC. 2069. In all cases of the appointments of interpreters, or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

Preference to Indians for interpreters.

30 June, 1834, c. 162, s. 9, 4 Stat., 737.

[SEC. 2070. Provides for salary of certain interpreters. Repealed by act of May 17, 1882, post, page 29.]

SEC. 2071. The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.

Instruction of Indians.

3 Mar., 1819, ch. 85, 3 Stat., 516; 23 June, 1879, ch. 35, s. 7, 21 Stat., 35; 3 Mar., 1901, ch. 832, post, page 112.

SEC. 2072. Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

When tribes may direct the employment of blacksmiths, etc.

30 June, 1834, ch. 162, s. 9, 4 Stat., 737.

SEC. 2073. The Secretary of the Interior shall, under the direction of the President, cause to be discontinued the services of such [*agents*] sub-agents, interpreters, and mechanics, as may from time to time become unnecessary in consequence of the [immigration] *emigration* of the Indians, or other causes.

Discontinuance of the offices of agents, subagents, interpreters, etc.

9 July, 1832, ch. 174, s. 5, 4 Stat., 564; 27 Feb., 1877, ch. 69, 19 Stat., 244.

SEC. 2074. No person shall hold more than one office at the same time under this Title, nor shall any agent, sub-agent, interpreter, or person employed under this Title, receive his salary while absent from his agency or employment, without leave of the superintendent, or Secretary of the Interior; but such absence shall at no time exceed sixty days.

No person to hold two offices; leave of absence.

30 June, 1834, ch. 162, s. 10, 4 Stat., 737.

SEC. 2075. The President may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of Indian affairs.

Additional security.

30 June, 1834, ch. 162, s. 8, 4 Stat., 737.

SEC. 2076. The several compensations prescribed by this Title shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies.

Compensation prescribed to be in full.

30 June, 1834, ch. 162, s. 10, 4 Stat., 737.

SEC. 2077. Where persons are required, in the performance of their duties, under this Title, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them, except that no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of the Interior.

Allowance for traveling expenses.

30 June, 1834, ch. 162, s. 10, 4 Stat., 737.

Minis v. U. S., 15 Pet., 423.

4 July, 1864, ch. 180, post, page 31; 35 Fed. R., 490.

NOTE.—This section is amended by act of March 3, 1875, ch. 133, post, page 26.

SEC. 2078. No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of five thousand dollars, and shall be removed from his office.

Persons employed in Indian affairs not to trade with the Indians.

30 June, 1834, ch. 162, s. 14, 4 Stat., 738; 22 June, 1874, ch. 389, s. 10, 18 Stat., 177.

18 Nev., 182.

CHAPTER 2.—*Performance of engagements between the United States and Indians.*

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No future treaties with Indian tribes.
3 Mar., 1871, c. 120, s. 1, 16 Stat., 566.
22 June, 1874, c. 389, s. 3, 18 Stat., 176.
10 June, 1876, c. 122, 19 Stat., 58.
16 Opin., p. 555.
29 Ct. Cls., 288.

SEC. 2079. No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March third, eighteen hundred and seventy-one, shall be hereby invalidated or impaired.

Abrogation of treaties.
5 July, 1862, c. 135, s. 1, 12 Stat., 528.

SEC. 2080. Whenever the tribal organization of any Indian tribe is in actual hostility to the United States, the President is authorized, by proclamation, to declare all treaties with such tribe abrogated by such tribe, if in his opinion the same can be done consistently with good faith and legal and national obligations.

Payment of certain annuities in coin.
3 Mar., 1865, c. 127, s. 8, 13 Stat., 561.
15 Apr., 1874, c. 97, 18 Stat., 29.

SEC. 2081. The Secretary of the Treasury is authorized to pay in coin such of the annuities as by the terms of any treaty of the United States with any Indian tribe are required to be paid in coin.

Payment of annuities in goods.
30 June, 1834, c. 162, s. 12, 4 Stat., 737.
15 Apr., 1874, c. 97, 18 Stat., 29.

SEC. 2082. The President may, at the request of any Indian tribe, to which any annuity is payable in money, cause the same to be paid in goods, purchased as provided in the next section.

Purchase of goods for the Indians.
30 June, 1834, c. 162, s. 13, 4 Stat., 737.
22 June, 1874, c. 389, s. 6, 18 Stat., 176.
3 Mar., 1875, c. 132, s. 7, 18 Stat., 450.
15 Aug., 1876, c. 289, ss. 3, 6, 19 Stat., 199, 200.
3 Mar., 1877, c. 101, s. 1, 19 Stat., 291.
11 May, 1880, c. 85, s. 1, 21 Stat., 131.

SEC. 2083. All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint. All other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose.

Manner of purchase.
5 July, 1862, c. 135, s. 5, 12 Stat., 529.

SEC. 2084. No goods shall be purchased by the Office of Indian Affairs, or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe, and only upon public bids in the mode prescribed by the preceding section.

NOTE.—Provisions for advertisement and purchase of supplies are contained in each annual appropriation act. (See March 3, 1901, post, p. 112.)

Claims for supplies for Indians.

15 July, 1870, c. 296, s. 2, 16 Stat., 360.
R. S., p. 365.

SEC. 2085. No claims for supplies for Indians, purchased without authority of law, shall be paid out of any appropriation for expenses of the Office of Indian Affairs, or for Indians.

Modes of paying annuities and distributing goods.

30 June, 1834, c. 162, s. 11, 4 Stat., 737.
3 Mar., 1847, c. 66 s. 3, 9 Stat., 203.
30 Aug., 1852, c. 106, s. 3, 10 Stat., 56.
15 July, 1870, c. 296, ss. 2, 3, 16 Stat., 360.
3 Mar., 1875, c. 132, ss. 4, 6, post, p. 21.
15 Aug., 1876, c. 289 s. 2, 19 Stat., 199.

SEC. 2086. The payment of all moneys and the distribution of all goods stipulated to be furnished to any Indians, or tribe of Indians, shall be made in one of the following ways, as the President or the Secretary of the Interior may direct:

First. To the chiefs of a tribe, for the tribe.

Second. In cases where the imperious interest of the tribe or the individuals intended to be benefited, or any treaty stipulation, requires the intervention of an agency, then to such person as the tribe shall appoint to receive such moneys or goods; or if several persons be appointed, then upon the joint order or receipt of such persons.

Third. To the heads of the families and to the individuals entitled to participate in the moneys or goods.

Fourth. By consent of the tribe, such moneys or goods may be applied directly, under such regulations, not inconsistent with treaty stipulations, as may be prescribed by the Secretary of the Interior, to such purposes as will best promote the happiness and prosperity of the members of the tribe, and will encourage able-bodied Indians in the habits of industry and peace.

NOTE.—In the act of March 2, 1895 (post, p. 76), there is an implied repeal of this section, the Secretary of the Interior being authorized to make regulations covering the subject. (See also June 7, 1897, sec. 11, post, p. 89; March 1, 1899, sec. 8, post, p. 102, and June 28, 1898, sec. 19, post, p. 97.)

Withholding of annuities on account of intoxicating liquors.

3 Mar., 1847, c. 66, s. 3, 9 Stat., 203.
3 Mar., 1875, c. 132, s. 4, 18 Stat., 449.

SEC. 2087. No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and head-men of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country.

Persons to be present at delivery of annuities.

30 June, 1834, c. 162, s. 13, 4 Stat., 737.—Minis v. U. S., 15 Pet., 423.

SEC. 2088. The superintendent, agent, or sub-agent, together with such military officer as the President may direct, shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians.

Mode of disbursements.

3 Mar., 1857, c. 90, s. 1, 11 Stat., 169.
1 Mar., 1899, c. 324, s. 8, post, p. 102.
2, Mar., 1895, c. 188, s. 11, post, p. 76.

SEC. 2089. At the discretion of the President all disbursements of moneys, whether for annuities, or otherwise, to fulfill treaty stipulations with individual Indians or Indian tribes, shall be made in person by the superintendents of Indian affairs, where superintendencies exist, to all Indians or tribes within the limits of their respective superintendencies, in the presence of the local agents and interpreters, who shall witness the same, under such regulations as the Secretary of the Interior may direct.

Mode of distribution of goods.

10 Apr., 1869, c. 16, s. 2, 16 Stat., 39.

SEC. 2090. Whenever goods and merchandise are delivered to the chiefs of a tribe, for the tribe, such goods and merchandise shall be turned over by the agent or superintendent of such tribe to the chiefs in bulk, and in the original package, as nearly as practicable, and in the presence of the head-men of the tribe, if practicable, to be distributed to the tribe by the chiefs in such manner as the chiefs may deem best, in the presence of the agent or superintendent.

Annual accounts of disbursements, etc.

30 June, 1834, c. 162, s. 13, 4 Stat., 737.
22 June, 1874, c. 389, s. 3, 18 Stat., 176.
3 Mar., 1875, c. 132, s. 3, 18 Stat., 450.
2 Mar., 1895, c. 188, s. 11, post p. 76.

SEC. 2091. All persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects of any kind for the benefit of the Indians, shall settle their accounts, annually, at the Department of the Interior on the first day of October; and copies of the same shall be laid before Congress at the commencement of the ensuing session, by the proper accounting officers; together with a list of the names of all persons to whom money, goods, or effects have been delivered within the preceding year, for the benefit of the Indians, specifying the amount and object for which they were intended, and showing who are delinquents, if any, in forwarding their accounts according to the provisions of this section; and, also, with a list of the names of all persons appointed or employed under this Title, with the dates of their appointment or employment, and the salary and pay of each.

Restriction on advances to superintendents, etc.

27 June, 1846, c. 34, s. 1, 9 Stat., 20.
R. S., p. 366.
Mar. 2, 1895, s. 11, post p. 76.

SEC. 2092. No superintendent of Indian affairs, or Indian agent, or other disbursing officer in such service, shall have advanced to him on Indian or public account, any money to be disbursed in future, until such superintendent, agent, or officer in such service has settled his accounts of the preceding year, and has satisfactorily shown that all balances in favor of the Government, which may appear to be in his hands, are ready to be paid over on the order of the Secretary of the Interior.

Disposal of proceeds of sales of Indian lands.

9 Jan., 1837, c. 1, s. 1, 5 Stat., 135.

SEC. 2093. All moneys received from the sales of lands that have been, or may be hereafter, ceded to the United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the proceeds of the lands ceded by them, respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the Treasury in the same manner that moneys received from the sales of public lands are paid into the Treasury.

Appropriation of moneys to carry out Indian treaties.

9 Jan., 1837, c. 1, s. 2, 5 Stat., 135.

SEC. 2094. All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by the treaties mentioned in the preceding section, are appropriated in conformity to them, and shall be drawn from the Treasury as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President.

Investments of stock required by treaties.

9 Jan., 1837, c. 1, s. 3, 5 Stat., 135.
10 June, 1876, c. 122, 19 Stat., 58.

SEC. 2095. All investments of stock, that are or may be required by treaties with the Indians, shall be made under the direction of the President; and special accounts of the funds under such treaties shall be kept at the Treasury, and statements thereof be annually laid before Congress.

Investment of proceeds of lands.

9 Jan., 1837, c. 1, s. 4, 5 Stat., 135.
10 June, 1876, c. 122, 19 Stat., 58.
Amended June 10, 1876, c. 122, post p. 26.
Apr. 1, 1880, c. 41, post p. 28.

SEC. 2096. The Secretary of the Interior shall invest in a manner which shall be in his judgment most safe, and beneficial to the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians, annually, of interest upon the proceeds of the lands ceded by them; and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than five per centum per annum.

Misapplication of funds belonging to the Indians prohibited.

28 July, 1866, c. 296, s. 2, 14 Stat., 280.
10 June, 1876, c. 122, 19 Stat., 58
29 C. Cls., 288.

SEC. 2097. No funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law; nor shall money appropriated to execute a treaty be transferred or applied to any other purpose, unless expressly authorized by law.

Indian depredations, how paid.

15 July, 1870, c. 296, s. 4, 16 Stat., 360.
Mar. 3, 1891, c. 538, post p. 58.

SEC. 2098. No part of the moneys which may be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses incurred in Indian affairs, to pay annuities due or to be used and expended for the care and benefit of any tribe or tribes of Indians, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof. No claims for Indian depredations shall be paid until Congress shall make special appropriation therefor.

Funds for education.

29 July, 1848, c. 118, s. 2, 9 Stat., 264.

SEC. 2099. No moneys which may be appropriated for the purposes of education among the Indian tribes shall be expended for any such object elsewhere than in Indian country. But this provision shall not apply to appropriations the expenditure of which is authorized by treaty stipulations, to be made under the direction either of the President or of the Indian tribes, respectively.

SEC. 2100. No moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, has engaged in hostilities against the United States, or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress. And the Commissioner of Indian Affairs shall report to Congress, at each session, any case of hostilities, by any tribe with which the United States has treaty stipulations, which has occurred since his next preceding report.

Annuities of Indians hostile to United States.

2 Mar., 1867, c. 173, s. 2, 14 Stat., 515.
3 Mar., 1875, c. 132, post p. 23.

SEC. 2101. No delivery of goods or merchandise shall be made to the chiefs of any tribe, by authority of any treaty, if such chiefs have violated the stipulations contained in such treaty upon their part.

R. S., p. 367.
Goods withheld from chiefs who have violated treaty stipulations.

10 Apr., 1869, c. 16, s. 2, 16 Stat., 39.

SEC. 2102. The Secretary of the Interior shall withhold from any tribe of Indians who may hold American captives, any moneys due them from the United States, until such captives have been surrendered to the lawful authorities of the United States.

Moneys due Indians holding American captives.

15 May, 1870, Res. No. 62, s. 3, 16 Stat., 377.

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

Contracts with the Indians.

3 Mar., 1871, c. 120, s. 3, 16 Stat., 570.
21 May, 1872, c. 177, ss. 1, 2, 17 Stat., 136.
29 Apr., 1874, c. 135, 18 Stat., 35.
3 Mar., 1875, c. 132, post p. 23.
47 Fed. Rep., 561; 70 Ind., 259; 148 U. S., 222; 45 Kans., 411.

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

All contracts or agreements made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner and Secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy; and one-half thereof shall be paid to the person suing for the same, and the other half shall be paid into the Treasury for the use of the Indian or tribe by or for whom it was so paid.

Payments under contracts restricted.

21 May, 1872, c. 177, s. 3, 17 Stat., 137.
29 Apr., 1874, c. 135, s. 4, 18 Stat., 36.
148 U. S., 222.

R. S., p. 368.

SEC. 2104. No money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian, or Indians, as the case may be, shall be paid by the United States through its own officers or agents, to the party or parties entitled thereto; and no money or thing shall be paid to any person for services under such contract or agreement, until such person shall have first filed with the Commissioner of Indian Affairs a sworn statement, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, and, if not, it shall be paid in proportion to the services rendered under the contract.

Penalty for receiving moneys from Indians under prohibited contracts.

3 Mar., 1871, c. 120, s. 3, 16 Stat., 570.
148 U. S., 222.

SEC. 2105. The person so receiving such money contrary to the provisions of the two preceding sections, and his aiders and abettors, shall, in addition to the forfeiture of such sum, be punishable by imprisonment for not less than six months, and by a fine of not less than one thousand dollars. And it shall be the duty of all district attorneys to prosecute such cases when applied to to do so, and their failure and refusal shall be ground for their removal from office. Any Indian agent, or other person in the employment of the United States, who shall, in violation of the provisions of the preceding section, advise, sanction, or in any way aid in the making of such contracts or agreements, or in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making such contract, or receiving such money, be, on conviction, dismissed from the service of the United States, and be forever disqualified from holding any office of profit or trust under the same.

Assignments of contracts restricted.

21 May, 1872, c. 177, s. 2, 17 Stat., 136.
29 Apr., 1874, c. 135, s. 4, 18 Stat., 36.

SEC. 2106. No assignment of any contracts embraced by section twenty-one hundred and three, or of any part of one shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon.

Restriction on payments to contractors, etc., until accounts and vouchers submitted, &c.

3 Mar., 1871, c. 120, s. 1, 16 Stat., 568.
18 C. Cls., 263.

SEC. 2107. No payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereof, or for any buildings or machinery erected or placed on their reservations, under or by virtue of any contract entered into with the Department of the Interior, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents for such supplies, goods, transportation, buildings, or machinery beyond fifty per cent. of the amount due, until the accounts and vouchers shall have been submitted to the executive committee of the board of Indian Commissioners appointed by the President for examination, revisal, and approval; and such board of commissioners shall, without unnecessary delay, forward the accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and the Secretary shall have power to sustain, set aside, or modify the action of the board, and cause payment to be made or withheld, as he may determine.

NOTE.—While there is no express repeal of this section, the restriction of the authority of the commission by the act of May 17, 1882, post page 29, apparently renders it ineffective.

SEC. 2108. The Secretary of the Interior is directed to cause settlements to be made with all persons appointed by Indian councils to receive moneys due to incompetent or orphan Indians, and to require all moneys found due to such incompetent or orphan Indians to be returned to the Treasury; and all moneys so returned shall bear interest at the rate of six per centum per annum, until paid by order of the Secretary of the Interior to those entitled to the same. No money shall be paid to any person appointed by any Indian council to receive moneys due to incompetent or orphan Indians, but the same shall remain in the Treasury of the United States until ordered to be paid by the Secretary to those entitled to receive the same, and shall bear six per centum interest until so paid.

Moneys due incompetent or orphan Indians.

5 July, 1862, c. 135, s. 6, 12 Stat., 529.
Mar. 1, 1899, c. 324, s. 8, post p. 102.

SEC. 2109. Whenever the issue of food, clothing, or supplies of any kind to Indians is provided for, it shall be the duty of the agent or commissioner issuing the same, at such issue thereof, whether it be both of food and clothing, or either of them, or of any kind of supplies, to report to the Commissioner of Indian Affairs the number of Indians present and actually receiving the same.

Number of Indians present and receiving food, etc., to be reported.

14 Feb., 1873, c. 138, s. 7, 17 Stat., 463–464.
Mar. 3, 1875, c. 132, s. 4, post p. 24.

SEC. 2110. The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations; and a special account of these issues shall be kept and rendered.

R. S., p. 369.
Rations for Indians.

30 June, 1834, c. 162, s. 16, 4 Stat., 738.
22 June, 1874, c. 389, s. 3, 18 Stat., 176.

CHAPTER 3. *Government and protection of Indians.*

Sec.
2111. Sending seditious messages, penalty.
2112. Carrying seditious messages, penalty.
2113. Correspondence with foreign nations to excite Indians to war, penalty.
2114. General superintendence by President over tribes removed west of the Mississippi.
2115. Survey of Indian reservations.
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Sec.
2118. Settling on or surveying lands belonging to Indians by treaty.
2119. Protection of Indians desiring civilized life.
2120. Indians trespassing on lands of civilized Indians.
2121. Suspension of chief for trespass.
2122. Sale of buildings belonging to the United States.
2123. Sale of lands with buildings.
2124. Penalties, how recovered.
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SEC. 2111. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States, is liable to a penalty of two thousand dollars.

R. S., p. 369.
Sending seditious messages; penalty.

30 June, 1834, c. 161, s. 13, 4 Stat., 731.

SEC. 2112. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

Carrying seditious messages; penalty.

30 June, 1834, c. 161, s. 14, 4 Stat., 731.

SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of one thousand dollars.

Correspondence with foreign nations to excite Indians to war; penalty.

30 June, 1834, c. 161, s. 15, 4 Stat., 731.
See R. S., 5335.

General superintendence by the President over tribes removed west of the Mississippi.
28 May, 1830, c. 148, ss. 7, 8, 4 Stat., 412.
71 Fed. Rep., 682.

Sec. 2114. The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May twenty-eighth, eighteen hundred and thirty, "to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi;" and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

Survey of Indian reservations.
8 Apr., 1864, c. 48, s. 6, 13 Stat., 41.

Sec. 2115. Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land-Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

Purchases or grants from Indians.
30 June, 1834, c. 161, s. 12, 4 Stat., 730.
Johnson's Lessee v. McIntosh, 8 Wh., 543.
R. S., p. 370.
21 Fed. Rep., 615.

Sec. 2116. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of one thousand dollars. The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty.

Driving stock to feed on Indian lands.
30 June, 1834, c. 161, s. 9, 4 Stat., 730.
U. S. v. Mattock, 2 Saw., 148. 16 Opin., 566.
55 Ark., 401.

Sec. 2117. Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock.

Setting on or surveying lands belonging to Indians by treaty.
30 June, 1834, c., 161, s. 11, 4 Stat., 730.
Worcester v. Georgia, 6 Pet., 515; Clark v. Smith, 13 Pet., 195; Lattimer v. Poteet, 14 Pet., 4; Lowry v. Weaver, 4 McLean, 82.
71 Fed. Rep., 682; 4 Mackey (D. C.), 531; 56 Ark., 12; 1 Cooke (Tenn.), 297; 1 Brunner's Coll. Cases, 240.

Sec. 2118. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such measures and employ such military force as [he] may judge necessary to remove any such person from the lands.

Protection of Indians desiring civilized life.
14 June, 1862, c. 101, s. 1, 12 Stat., 427.
71 Fed. Rep., 682.

Sec. 2119. Whenever any Indian, being a member of any band or tribe with whom the Government has or shall have entered into treaty stipulations, being desirous to adopt the habits of civilized life, has had a portion of the lands belonging to his tribe allotted to him in severalty, in pursuance of such treaty stipulations, the agent and superintendent of such tribe shall take such measures, not inconsistent with law, as may be necessary to protect such Indian in the quiet enjoyment of the lands so allotted to him.

Indians trespassing upon lands of civilized Indians.
14 June, 1862, c. 101 s. 2, Stat., 427.

Sec. 2120. Whenever any person of Indian blood belonging to a band or tribe which receives or is entitled to receive annuities from the United States, and who has not adopted the habits and customs of civilized life, and received his lands in severalty by allotment, as mentioned in the preceding section, commits any trespass upon the lands or premises of any Indian who has so received his lands by allotment, the superintendent and agent of such band or tribe shall ascertain the damages resulting from such trespass, and the sum so ascertained shall be withheld from the payment next thereafter to be made, either to the band or tribe to which the party committing such trespass shall belong, as in the discretion of the superintendent he shall deem proper; and the sum so withheld shall, if the Secretary of the Interior approves, be paid over by the agent or superintendent to the party injured.

Suspension of chief for trespass.

14 June, 1862, c. 101, s. 3, 12 Stat., 427.

SEC. 2121. Whenever such trespasser as is mentioned in the preceding section is the chief or head-man of a band or tribe, the superintendent of Indian affairs in his district shall also suspend the trespasser from his office for three months, and shall during that time deprive him of all the benefits and emoluments connected therewith; but the chief or head-man may be sooner restored to his former standing if the superintendent shall so direct.

Sale of buildings belonging to the United States.

3 Mar., 1843, c. 78, s. 1, 5 Stat., 611.

SEC. 2122. The Secretary of the Interior is authorized to cause all such buildings belonging to the United States, as have been, or hereafter shall be, erected for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians, to be sold whenever the lands on which the same are erected have become the property of the United States, and are no longer necessary for such purposes.

Sale of lands with buildings.

3 Mar., 1843, c. 78, s. 2, 5 Stat., 611.

R. S., p. 37

SEC. 2123. The Secretary of the Interior is authorized to cause to be sold, at his discretion, with each of such buildings as are mentioned in the preceding section, a quantity of land not exceeding one section; and on the payment of the consideration agreed for into the Treasury of the United States by the purchaser, the Secretary shall make, execute, and deliver to the purchaser a title in fee simple for such lands and tenements.

Penalties; how recovered.

30 June, 1834, c. 161, s. 27, 4 Stat., 738.

37 Fed. Rep., 357; 17 Fed. Rep., 690; 22 Fed. Rep., 428.

9 Sawyer, 156.

SEC. 2124. All penalties which shall accrue under this Title shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one-half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

Proceedings against goods.

30 June, 1834, c. 161, s. 28, 4 Stat., 734.

SEC. 2125. When goods or other property shall be seized for any violation of this Title, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods or other property in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

Burden of proof.

30 June, 1834, c. 161, s. 22, 4 Stat. 733.

36 Fed. Rep. 457.

SEC. 2126. In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

CHAPTER 4.—*Government of Indian country.*

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2127. Sale of cattle, etc., of the Indians by agents.
2128. Trading with Indians.
2129. License to trade.
2130. Refusal of license.
2131. Revocation of license.
2132. Prohibition of trade by the President.
2133. Penalty for trading without a license.
2134. Penalty upon foreigners entering Indian country without passports.
2135. Prohibited purchases and sales.
2136. Trading or selling arms, etc., in any district occupied by uncivilized or hostile Indians.
2137. Prohibition of hunting on Indian lands.

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2138. Penalty for removing cattle from Indian country.
2139. Penalty for selling spirituous liquors in Indian country.
2140. Powers of superintendents, etc., to search for concealed liquors.
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2147. Removal of persons.
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2153. Executing process.
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R. S., p. 371.
Sale of cattle, etc., of the Indians by agents.

3 March, 1865, c. 127, s. 9, 13 Stat., 563.

Sec. 2127. The agent of each tribe of Indians, lawfully residing in the Indian country is authorized to sell for the benefit of such Indians any cattle, horses, or other live stock belonging to the Indians, and not required for their use and subsistence, under such regulations as shall be established by the Secretary of the Interior. But no such sale shall be made so as to interfere with the execution of any order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops.

Trading with Indians.

26 July, 1866, c. 266, s. 4, 14 Stat., 280.
16 Opin., p. 403.

Sec. 2128. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars, with at least two good sureties, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or district attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.

R. S., p. 372.

Note.—As to what is Indian country, see 14 Fed. Rep., 817; 3 McCrary, 510.; 20 Fed. Rep., 298; 33 Fed. Rep., 900; 109 U. S., 566; 121 U. S., 278; 22 Fed. Rep., 285; 23 Fed. Rep., 658; 27 Fed. Rep., 351.

License to trade.

30 June, 1834, c. 161, s. 2, 4 Stat., 729.
Amended by, Aug. 15, 1876, ch. 289, sec. 5, post, p. 27.
19 N. W. Rep., 483; 30 Kans., 294.

U. S. v. Clana, 1 McLean, 254.
16 Opin., p. 403,

Sec. 2129. No person shall be permitted to trade with any of the Indians in the Indian country, without a license therefor from a superintendent of Indian affairs, or Indian agent, or sub agent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

Refusal of license.

30 June, 1834, c. 161, s. 3, 4 Stat., 729.
15 Aug., 1876, c. 289, s. 5, post, p. 27.

Sec. 2130. Any superintendent or agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant, has been revoked, or a forfeiture of his bond decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs.

Revocation of license.

30 June, 1834, c. 161, s. 3, 4 Stat., 729.
15 Aug., 1876, ch. 289, s. 5, post, p. 27.
15 Opin., p. 143.

Sec. 2131. The superintendent of the district shall have power to revoke and cancel any license to trade within the Indian country whenever the person licensed has, in his opinion, transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or whenever, in his opinion, it is improper to permit such person to remain in the Indian country. No trade with the tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents, and sub-agents, and to be inserted in the license. The person granting or revoking such licenses shall forthwith report the same to the Commissioner of Indian Affairs for his approval or diapproval.

SEC. 2132. The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

Prohibition of trade by the President.

30 June, 1834, c. 161, s. 3, 4 Stat., 729.
18 Opin., p. 141.

SEC. 2133. [NOTE.—This section was reenacted with amendments July 31, 1882, post page 29.]

SEC. 2134. Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent, or sub-agent of Indian affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a penalty of one thousand dollars. Every such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

Penalty upon foreigners entering Indian country without passports.

30 June, 1834, c. 161, s. 6, 4 Stat., 730.

SEC. 2135. Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of fifty dollars.

Prohibited purchases and sales.

30 June, 1834, c. 161, s. 7, 4 Stat., 730.

SEC. 2136. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading-post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and the Secretary shall exclude such trader, and the agent, or other person so offending, from the district or country so occupied.

Trading or selling arms, etc., in any district occupied by uncivilized or hostile Indians.

14 Feb., 1873, c. 138, s. 1, 17 Stat., 457.
5 Aug., 1876, J. R., No. 20, 19 Stat., 216.
R. S., p. 373.

SEC. 2137. Every person, other than an Indian, who, within the limits of any tribe with whom the United States has existing treaties, hunts, or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of five hundred dollars.

Prohibition of hunting on Indian lands.

30 June, 1834, c. 161, s. 8, 4 Stat., 730.

SEC. 2138. Every person who drives or removes, except by authority of an order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops, any cattle, horses, or other stock from the Indian country for the purposes of trade or commerce, shall be punishable by imprisonment for not more than three years, or by a fine of not more than five thousand dollars, or both.

Penalty for removing cattle from Indian country.

3 March, 1865, c. 127 s. 8, 13 Stat., 563.

SEC. 2139. [NOTE.—This section has been repealed and reenacted with amendments July 23, 1892, post page 29, and January 30, 1897, post page 55. As to sale of intoxicants to Indians in Alaska, see March 3, 1899, chap. 8, sec. 142, post page 105. As to manufacture and sale in the Indian Territory, see March 1, 1895, sec. 7, post page 74, and June 28, 1898, post page 95.

SEC. 2140. If any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, sub-agent, or commanding officer, may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams,

Power of superintendents, etc., to search for concealed liquors.

15 Mar., 1864, c. 33, 13, Stat. 29.
American Fur Com. v. U. S., 2 Pet., 358.
11 Fed. Rep., 47; 14 Fed. Rep., 580; 30 Fed. Rep., 302.

1873, Mar. 3, ch. 227, 17 Stat., 530.
31 Fed. Rep., 327; 11 Oreg., 382.

wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. It shall moreover be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section Indians shall be competent witnesses.

Penalty for setting up distillery in Indian country.

30 June, 1834, c. 161, s. 21, 4 Stat., 732.

SEC. 2141. Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of one thousand dollars; and the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose agency any distillery of ardent spirits is set up or continued, shall forthwith destroy and break up the same.

Assault.

27 Mar., 1854, c. 26, s. 5, 10 Stat., 270.
Mar. 1, 1889, sec. 25, post p. 43.

SEC. 2142. Every white person who shall make an assault upon an Indian, or other person, and every Indian who shall make an assault upon a white person, within the Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be punishable by imprisonment, at hard labor, for not more than five years, nor less than one year.

Arson.

27 Mar., 1854, c. 26, s. 4, 10 Stat., 270.
Mar., 1, 1889, sec. 26, post p. 43.

R. S., p. 374.

SEC. 2143. Every white person who shall set fire, or attempt to set fire, to any house, out-house, cabin, stable, or other building, in the Indian country, to whomsoever belonging; and every Indian who shall set fire to any house, out house, cabin, stable, or other building in the Indian country, in whole or in part belonging to or in lawful possession of a white person, and whether the same be consumed or not, shall be punishable by imprisonment at hard labor for not more than twenty-one years, nor less than two years.

The laws defining, &c., forgery and depredations on mails, extended to Indian country.

SEC. 2144. The general laws of the United States defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country.

3 Mar., 1855, c. 204, s. 8, 10 Stat., 700; 8 June, 1872, c. 335, s. 286, 17 Stat., 320.

General laws as to punishment of crimes extended to Indian country.

30 June, 1834, c. 161, s. 25, 4 Stat., 733.
27 Mar., 1854, c. 26, s. 3, 10 Stat., 270.

SEC. 2145. Except as to crimes the punishment of which is expressly provided for in this Title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

U. S. v. Rogers, 4 How., 567; 40 Fed. Rep., 670; 14 Fed. Rep., 317.

NOTE.—By section 33 of the act of May 2, 1890, this section is replaced by a substitute as to the Indian Territory. See post p. 51.

Exceptions to the operation of the preceding sections.

27 Mar., 1854, c. 26, s. 3, 10 Stat., 270.
15 Feb., 1875, c. 80, 18 Stat., 318.
Mar. 3, 1885, post p. 32.
June 28, 1898, ss. 28 and 29, post p. 100.

5 Dill., 390, 394.
109 U. S., 556; 126 U. S., 545; 118 U. S., 375; 141 U. S., 107.

SEC. 2146. The preceding section shall not be construed to extend to [crimes committed by one Indian against the person or property of another Indian, nor to] any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

Removal of persons.

30 June, 1834, c. 161, s. 10, 4 Stat., 730.
6 Sawyer, 29.

SEC. 2147. The superintendent of Indian affairs, and the Indian agents and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal.

SEC. 2148. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

Penalty for return.

18 Aug., 1856, c. 126, s. 2, 11 Stat., 80.
17 Fed. Rep., 630.
37 Fed. Rep., 507.

SEC. 2149. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person.

Removal from reservation.

12 June, 1858, c. 155, s. 2, 11 Stat. 332.
71 Fed. Rep., 682.
6 Sawyer, 29.

SEC. 2150. The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

First. In the apprehension of every person who may be in the Indian country in violation of law; and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law;

Second. In the examination and seizure of stores, packages, and boats, authorized by law;

Third. In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law;

Fourth. And also in destroying and breaking up any distillery for manufacturing ardent spirits set up or continued within the Indian country.

Employment of the military in apprehending persons violating the law.

30 June, 1834, c. 161, ss. 21, 23, 4 Stat., 733.
8 Sawyer, 316.

SEC. 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest, and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit.

Detention of persons apprehended by the military.

Ibid., s. 23.
5 Sawyer, 17.

SEC. 2152. The superintendents, agents, and sub-agents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

Arrest of absconding Indians guilty of crime.

30 June, 1834, c. 161, s. 19, 4 Stat., 732.

R. S., p. 375.

SEC. 2153. In executing process in the Indian country, the marshal may employ a posse comitatus, not exceeding three persons in any of the States respectively, to assist in executing process by arresting and bringing in prisoners from the Indian country, and allow them three dollars for each day in lieu of all expenses and services.

Executing process.

14 June, 1858, c. 163, s. 3, 11 Stat., 363.

SEC. 2154. Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed.

Reparation for injured property.

30 June, 1834, c. 161, s. 16, 4 Stat., 731.
100 U. S., 285.

SEC. 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender can not be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But

Payment where the offender is unable.

30 June, 1834, c. 161, s. 16, 4 Stat., 731.
100 U. S., 285.

no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

SEC. 2156. [Repealed by act of March 3, 1891, post page 56.]

Superintendents authorized to take depositions.

30 June, 1834, c. 161, s. 18, 4 Stat., 732.

SEC. 2157. The superintendents, agents, and sub-agents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the three preceding sections, and to administer oaths to the deponents.

TITLE XXXII.—*The public lands.*

CHAPTER 2.—*Registers and Receivers.*

SEC. 2234. Sales of land.

R. S., p. 392. Sales of land.

As amended Jan. 27, 1898, 30 Stat., 234.

SEC. 2234. There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land office and a receiver of public moneys for each land district established by law, who shall have charge of and attend to the sale of public and Indian lands within their respective districts, as provided by law and official regulations, and receivers shall be accountable under their official bonds for the proceeds of such sales, and for all fees, commissions, or other moneys received by them under any provision of law or official regulation.

* * * * * * *

CHAPTERS 10 AND 11.—*Bounty and other public lands.*

SEC. 2434. Indians included.

R. S., p. 448. Indians included.

3 Mar., 1855, c. 207, s. 7, 10 Stat., 702.

SEC. 2434. The provisions of all the bounty-land laws shall be extended to Indians, in the same manner and to the same extent as to white persons.

TITLE XLI.—*Appropriations.*

Permanent annual appropriations.

SEC. 3689. Permanent indefinite appropriations.

R. S., p. 724. Permanent indefinite appropriations.

SEC. 3689. There are appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purposes hereinafter specified, such sums as may be necessary for the same respectively; and such appropriations shall be deemed permanent annual appropriations.

* * * * * * *

EXECUTIVE.

* * * * * * *

Under the Interior Department.

* * * * * * *

R. S., p. 728. July, 1848, c. 118, s. 4, 9 Stat., 264. 3 Mar., 1877, c. 101, 19 Stat., 291.

Payment of interest to North Carolina Cherokees:

To pay each member of every family of the Cherokee Nation of Indians that remained in the State of North Carolina at the time of the treaty of New Echota, May twenty-third, eighteen hundred and thirty-six, interest at the rate of six per centum per annum on a sum equal to fifty-three dollars and thirty-three cents for each individual member, as aforesaid.

* * * * * * *

TITLE XLIII.—*Public contracts.*

SEC. 3709. Advertisements for proposals.

R. S., p. 733.
Advertisements for proposals.

2 Mar., 1861, c. 84, s. 10, 12 Stat., 220.
22 June, 1874, c. 389, s. 6, 18 Stat., 176.
12 July, 1876, c. 182, 19 Stat., 88.
3 Aug., 1876, c. 258, 19 Stat., 123.
15 Aug., 1876, c. 280, 19 Stat., 196.

U. S. v. Speed, 8 Wall., 77; Childs v. U. S., 4 C. Cls., 176; Mason v. U. S., 4 C. Cls., 495; Wentworth v. U. S., 5 C. Cls., 302; Harvey v. U. S., 8 C. Cls., 501; Thompson's Case, 9 C. Cls., 187, 7 Sawyer, 451.

SEC. 3709. All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

NOTE.—For subsequent provisions on this subject see March 3, 1875, sec. 9 (post page 25), and March 3, 1877 (post page 27). Provisions for advertisement are contained in each of the annual appropriation acts, so that this section is of little value. (See March 3, 1901, post page 112.)

TITLE LVII.—*Pensions.*

Sec.
4705. Widows of colored and Indian soldiers, &c.
4714. Declaration of claimants.

Sec.
4721. Indian claims.
4766. Pensions to be paid only to persons entitled, &c.

R. S., p. 916.
Widows of colored and Indian soldiers, etc.

3 Mar., 1873, c. 234, s. 11, 17 Stat., 570.
16 Opin., 62.

SEC. 4705. The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor, but this section shall not be applicable to any claims on account of persons who enlist after the third day of March, one thousand eight hundred and seventy-three.

R. S., p. 919.
Declaration of claimants.

Ibid., s. 21.

SEC. 4714. Declarations of pension claimants shall be made before a court of record or before some officer thereof having custody of its seal, said officer hereby being fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That the Commissioner of Pensions may designate, in localities more than twenty-five miles distant from any place at which such court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken, and may accept declarations of claimants residing in foreign countries, made before a United States minister or consul, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul; declarations in claims of Indians made before a United States agent; and declarations in claims under the provisions of this Title relating to pensions for services in the war of eighteen hundred and twelve, made before an officer duly authorized to administer oaths for general purposes, when the applicants, by reason of infirmity of age, are unable to travel: *Provided*, That any declaration made before an officer duly authorized to administer oaths for general purposes shall be accepted to exempt a claim from the limitation as to date of filing prescribed in section forty-seven hundred and nine.

R. S., p. 920.
Indian claims.

Ibid., s. 28.

SEC. 4721. The term of limitation prescribed by sections forty-seven hundred and nine and forty-seven hundred and seventeen shall, in pending claims of Indians, be extended to two years from and after the third day of March, eighteen hundred and seventy-three; all proof which has heretofore been taken before an Indian agent, or before an officer of any tribe, competent according to the rules of said tribe to administer oaths, shall be held and regarded by the Pension-Office, in the examining and determining of claims of Indians now on file, as of the same validity as if taken before an officer recognized by the law at the time as competent to administer oaths; all proof wanting in said claims hereafter, as well as in those filed after the third day of March, eighteen hundred and seventy-three, shall be taken before the agent of the tribe to which the claimants respectively belong; in regard to dates, all applications of Indians now on file shall be treated as though they were made before a competent officer at their respective dates, and if found to be in all other respects conclusive, they shall be allowed; and Indians shall be exempted from the obligation to take the oath to support the Constitution of the United States.

SEC. 4766. [NOTE.—This section was re-enacted and amended by the act of August 8, 1882, post, page 30.]

B. LAWS SUBSEQUENT TO THE REVISED STATUTES.

ACTS OF FORTY-THIRD CONGRESS—FIRST SESSION, 1874.

June 22, 1874.
18 Stat., 178.

CHAP. 389.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

Employees, etc., of United States not to be interested in Indian contracts, &c.
R. S., 1781.

Be it enacted, &c., * * * SEC. 10. That no agent or employee of the United States Government, or of any of the Departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, near or remote, in any contract made or under negotiation, with the Government, or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of the Indians; nor shall any such agent or employee collude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same.

Penalty for violation.

The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, and by removal from office; and, in addition thereto, the court shall, in its discretion, have the power to punish by imprisonment of not more than six months. * * * [*June 22, 1874.*]

NOTE.—Other provisions against fraud or collusion in the Indian service are contained in the following: R. S., sec. 2078, providing that no person employed in Indian affairs shall have any interest in trade with Indians on private account, under penalty of $5,000 fine, and removal from office; R. S., secs. 2103, 2105, providing how agreements with Indians are to be made, and prescribing penalties against all persons unlawfully receiving money from Indians, as well as against district attorneys failing to prosecute offenses against the act, and against agents advising, sanctioning, &c., unlawful agreements or payments; R. S., sec. 2138, prohibiting, under penalties, the removal of cattle, horses, or other stock from the Indian country except under military orders; 1875, Mar. 3, ch. 132, sec. 10 post, p. 25, prescribing manner of justification of sureties on Indian agents' bonds, and providing penalties for agents making false entries in official books or transcripts; 1884, July 4, ch. 180, post, p. 31, prohibiting under penalty, the purchase of cattle from Indians, except under license; 1884, July 4, ch. 180, sec. 8, post, p. 32, providing that disbursing officers or others presenting vouchers, &c., containing any material misrepresentation relating to any matter pertaining to the Indian service shall not be entitled to payment or credit for any part of said voucher, &c., this to be in addition to penalties already prescribed by law, as to which see R. S., sec. 5438.

ACTS OF FORTY-THIRD CONGRESS—SECOND SESSION, 1875.

Mar. 3, 1875.

18 Stat., 402.

CHAP. 131.—An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June thirtieth, eighteen hundred and seventy-five, and prior years, and for other purposes.

* * * * * * *

Certain Indians entitled to benefit of homestead laws.
R. S., 2289, 2302.
1884, July 4, c. 180, post, p. 31.
1887, Feb. 8, c. 119, post, p. 33.
1891, Feb. 28, c. 383, post, p. 57.
—not to alienate same, &c.
1893, Mar. 3, c. 209, post, p. 66.

SEC. 15. That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act:

—interest of, in tribal property, &c.

Provided, however, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor:

—entries of homestead by, heretofore made, confirmed.
147 U. S., 640; 5 Dakota, 335.

Provided, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

SEC. 16. That in all cases in which Indians have heretofore entered public lands under the homestead-law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the fifteenth section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the fifteenth section of this act in regard to alienation and incumbrance. [*March* 3, 1875.]

NOTE.—The provisions here referred to are incorporated into Revised Statutes in sections noted in the margin. The eighth section of the act of 1862, ch. 75 (12 Stat., 392), here excepted, forms sec. 2301 of Revised Statutes.

Mar. 3, 1875.

18 Stat., 420.

CHAP. 132.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty-stipulations with various Indian tribes, for the Year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

Three Indian inspectors only, and agencies need not be inspected twice a year.
R. S., 2043-2045.

Be it enacted, &c., * * * That after the commencement of the next fiscal year there shall be but three inspectors[*]; and that provision of law requiring that each agency shall be visited and examined by one or more of the inspectors at least twice in each year is hereby repealed. * * *

No payments to Indians holding captives.
R. S., 2102.

That the Secretary of the Interior be authorized to withhold, from any tribe of Indians who may hold any captives other than Indians, any moneys due them from the United States until said captives shall be surrendered to the lawful authorities of the United States. * * *

—nor to Indians at war with United States.
R. S. 2100.

SEC. 2. That none of the appropriations herein made, or of any appropriations made for the Indian service, shall be paid to any band

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[*] Notwithstanding this provision appropriations have been annually made from 1880 to 1891 "for pay of five Indian inspectors, at $3,000 per annum," and for their traveling expenses. 21 Stat., 116, 487; 22 Stat., 70, 434; 23 Stat., 77, 364; 24 Stat., 30, 450; 25 Stat., 219, 982; 26 Stat., 338, 991; 24 C. Cls., 433.

of Indians or any portion of any band while at war with the United States or with the white citizens of any of the States or Territories.

Indians to be required to labor on reservations to amount of supplies and annuities distributed.
R. S., 2086.

SEC. 3. That for the purpose of inducing Indians to labor and become self-supporting, it is provided that hereafter, in distributing the supplies and annuities to the Indians for whom the same are appropriated, the agent distributing the same shall require all able-bodied male Indians between the ages of eighteen and forty-five to perform service upon the reservation, for the benefit of themselves or of the tribe, at a reasonable rate, to be fixed by the agent in charge, and to an amount equal in value to the supplies to be delivered; and the allowances provided for such Indians shall be distributed to them only upon condition of the performance of such labor, under such rules and regulations as the agent may prescribe:

—may be exempted by Secretary of the Interior.

Provided, That the Secretary of the Interior may, by written order, except any particular tribe, or portion of tribe, from the operation of this provision where he deems it proper and expedient.

Agents to make rolls of Indians entitled to supplies; how to distribute supplies.
R. S., 2109.
1884, July 4, ch. 180, S. 9, 23 Stat. 76.

SEC. 4. That hereafter, for the purpose of properly distributing the supplies appropriated for the Indian service, it is hereby made the duty of each agent in charge of Indians and having supplies to distribute, to make out, at the commencement of each fiscal year, rolls of the Indians entitled to supplies at the agency, with the names of the Indians and of the heads of families or lodges, with the number in each family or lodge, and to give out supplies to the heads of families, and not to the heads of tribes or bands, and not to give out supplies for a greater length of time than one week in advance.

Indians to be employed.
R. S., 2069.
1882, May 17, ch. 163, S. 6, post, p. 29.

SEC. 5. * * * And where Indians can perform the duties they shall be employed; and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior, and none others shall be employed.

Agent's oath to accounts.

Indian agents shall be required to state, under oath, upon rendering their quarterly accounts, that the employees claimed for were actually and bona fide employed at such agency, and at the compensation as claimed, and that such service was necessary; and that such agent is not to receive, and has not received, directly or indirectly, any part of the compensation claimed for any other employee: *Provided*, That when there is no officer authorized to administer oaths within convenient distance of such agent, the Secretary of the Interior may direct such returns to be made upon certificate of the agent;

Increase of employees; how obtained.
78 Fed. Rep., 400.

And provided further, That in case it should be necessary, at any agencies, to have more employees than provided for in this section, the Secretary may, by written order, authorize the increase necessary; but in no case shall the amount expended at any agency exceed ten thousand dollars in any one year; and the provision of this section shall apply to the fiscal year ending June thirtieth, eighteen hundred and seventy-five.

Appropriations for Indian supplies to be so distributed as to prevent deficiencies.
R. S. 3679.

SEC. 6. That hereafter, it shall be the duty of the Secretary of the Interior, and the officers charged by law with the distribution of supplies to the Indians, under appropriations made by law, to distribute them and pay them out to the Indians entitled to them, in such proper proportions as that the amount of appropriation made for the current year shall not be expended before the end of such current year, so as to prevent deficiencies;

—not to be exceeded in any year.
1891, Mar. 3, ch. 543, S. 4, 26 Stat. 989.

And no expenditure shall be made or liability incurred on the part of the Government on account of the Indian service for any fiscal year (unless in compliance with existing law) beyond the amount of money previously appropriated for said service during such year.

Copies of contracts for Indian service to be furnished Second Auditor.
R. S. 3744. 1876, Aug. 15, ch. 289, S. 3, post, p. 27.

SEC. 7. * * * That copies of all contracts made by the Commissioner of Indian Affairs, or any other officer of the Government, for the Indian service, shall be furnished to the Second [Auditor] of the Treasury before any payment shall be made thereon.

Secretary of Interior to print and lay before Congress annually a statement of items of expenditure of Indian appropriations, statement of salaries, etc.
R. S. 445, 2091. Aug. 15, 1876, post, p. 27.

SEC. 8. That hereafter, the Secretary of the Interior cause to be prepared and delivered to the Public Printer, on or before the first day of November in each year, a tabular statement of the items paid out up to that date of the appropriations made for the Indian Department for the fiscal year previously ending, each item being placed under the appropriation from which it was paid, in such manner as to show the disposition made of each appropriation and the amount unexpended of each; also an itemized statement of the salaries and incidental expenses paid at each agency for the said year, and the appropriations out of which paid, and the number of Indians at each agency; and that the same be laid before Congress on the first day of the succeeding session.

Commissioner of Indian Affairs—when to report.
R. S., 468, 469.

And that the report of the Commissioner of Indian Affairs, with the reports of agents, be printed and laid before Congress on the first day of the said session.

Bidders on account of Indian service in amounts exceeding $5,000 to accompany bids with certified checks, etc.
R. S., 3709.
1877, Mar. 3, c. 101 post, p. 27.

SEC. 9. That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, and so forth, for and on account of the Indian service, whenever the value of the goods, supplies, and so forth, to be furnished, or the transportation to be performed, shall exceed the sum of five thousand dollars, shall accompany their bids with a certified check, or draft payable to the order of the Commissioner of Indian Affairs, upon some United States depository or some one of such solvent national banks as the Secretary of the Interior may designate, which check or draft shall be five per centum on the amount of the goods, supplies, transportation, and so forth, as aforesaid;

And in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury of the United States;

But if such contract shall be duly executed, as aforesaid, such draft or check so deposited shall be returned to the bidder.

Sureties on Indian agents' bond to file statement of property.
R. S., 2057.

SEC. 10. That hereafter the security or securities, upon the bond required by the act of February twenty-seventh, eighteen hundred and fifty-one, [b] to be given by each Indian agent before entering upon the duties of his office, shall file a sworn statement with the Secretary of the Interior, setting forth the nature and kind of property owned by such security or securities, the value of the same, and where situated; and that no money appropriated by this act shall be paid to any Indian agent hereafter appointed until the security or securities shall have filed such statement.

Indian agents to keep book of expenditures, etc., and forward transcripts to Commissioner.
R. S., 2058.

Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources; and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor; and true transcripts of all entries of every character in said books shall be forwarded quarterly by each agent to the Commissioner of Indian Affairs:

—punishment for failing to keep books, etc.
1874, June 22, c. 389, and note, ante, p. 22.

Provided, That should any agent knowingly make any false entry in said books, or in the transcripts directed to be forwarded to the Commissioner of Indian Affairs, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor, and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under this act. * * * [*March 3, 1875.*]

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[b] The provision of the act of 1851, Feb. 27, c. 14, s. 6 (9 Stat., 587), is incorporated into Revised Statutes, section 2057.

Mar. 3, 1875.

18 Stat., 452.

CHAP. 133.—An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

Actual traveling expenses only to officers and employees, except marshals, district attorneys, and clerks of courts.
R. S., 74, 1273, 1289, 1290, 1566, 3157.
1882. May 17, ch. 163, post p. 29.

Be it enacted, &c., * * * That hereafter only actual travelling expenses shall be allowed to any person holding employment or appointment under the United States, except marshals, district attorneys, and clerks of the courts of the United States and their deputies; and all allowances for mileages and transportation in excess of the amount actually paid, except as above excepted, are hereby declared illegal; and no credit shall be allowed to any of the disbursing-officers of the United States for payment or allowances in violation of this provision.

NOTE.—This provision, without the word "hereafter" and without the exception appearing herein, first appeared in 1874, June 16, c. 285 (18 Stat., 72). It is thus superseded by this act, and is consequently omitted from this volume, although amendments made by 1875, c. 95, and 1876, c. 159, refer to the act of 1874 instead of to this act.

ACTS OF FORTY-FOURTH CONGRESS—FIRST SESSION, 1876.

June 10, 1876.

19 Stat., 58.

CHAP. 122.—An act transferring the custody of certain Indian trust-funds.

Treasurer of U. S. to be custodian of Indian trust securities.
R. S., 3659.
1880, Apr. 1, c. 41, post, p. 28.

Be it enacted, &c., That all stocks, bonds, or other securities or evidences of indebtedness now held by the Secretary of the Interior in trust for the benefit of certain Indian tribes shall, within thirty days from the passage of this act, be transferred to the Treasurer of the United States, who shall become the custodian thereof;

—to collect interest and issue certificates of deposit.

And it shall be the duty of said Treasurer to collect all interest falling due on said bonds, stocks, &c., and deposit the same in the Treasury of the United States, and to issue certificates of deposit therefor, in favor of the Secretary of the Interior, as trustees for various Indian tribes.

—to make future purchases and sales.
R. S., 2096-2097, 3659.

And the Treasurer of the United States shall also become the custodian of all bonds and stocks which may be purchased for the benefit of any Indian tribe or tribes after the transfer of funds herein authorized, and shall make all purchases and sales of bonds and stocks authorized by treaty-stipulations or by acts of Congress when requested so to do by the Secretary of the Interior:

—without affecting supervisory powers of Secretary of Interior.

Provided, That nothing in this act shall in any manner impair or affect the supervisory and appellate powers and duties in regard to Indian affairs which may now be vested in the Secretary of the Interior as trustee of various Indian tribes, except as to the custody of said bonds and the collection of interest thereon as hereinbefore mentioned. [*June 10, 1876.*]

Aug. 12, 1876.

19 Stat., 131.

CHAP. 263.—An act concerning the employment of Indian Scouts.

One thousand Indian scouts to be employed, etc.
R. S., 1094, 1112.

Be it enacted, &c., That so much of the Army appropriation act of twenty-fourth July, eighteen hundred and seventy-six, as limits the number of Indian scouts to three hundred is hereby repealed; and sections ten hundred and ninety-four and eleven hundred and twelve of the Revised Statutes, authorizing the employment of one thousand Indian scouts, are hereby continued in force:

Provided, That a proportionate number of non-commissioned officers may be appointed.

And the scouts, when they furnish their own horses and horse-equipments, shall be entitled to receive forty cents per day for their use and risk so long as thus employed. [*August 12, 1876.*]

—to receive pay for use of their own horses.

Aug. 15, 1876.
19 Stat., 176.

CHAP. 289.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty-stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

[19 Stat., 199.]
In contracts in Indian service, proposals, etc., to be filed and Secretary to report to Congress.
1875, Mar. 3, c. 132, 7, 9, ante, p. 24.

Be it enacted, &c. * * * SEC. 3. That in all lettings of contracts in connection with the Indian service, the proposals or bids received shall be filed and preserved;

And in the annual report of the Commissioner of Indian Affairs, there shall be embodied a detailed and tabular statement of all bids and proposals received for any service, supplies, or annuity-goods for the Indian service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity-goods for which said bids or proposals were received;

—abstract to be filed with Second Comptroller.
R. S., s. 468, 469, 2083.

And an abstract of all bids or proposals received for the supplies or services embraced in any contract shall be attached to, and filed with, the said contract when the same is filed in the office of the Second Comptroller of the Treasury.

Estimates for Indian appropriations; how presented.
R. S., s. 3669.

SEC. 4. That hereafter the estimates for appropriations for the Indian service shall be presented in such form as to show the amounts required for each of the agencies in the several States or Territories, and for said States and Territories respectively.

Indian traders, how appointed, etc.
R. S., s. 2129-2131.
1882, July 31, c. 360, post, p. 29.

SEC. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint Traders to the Indian tribes and to make such rules and regulations as he may deem just and proper specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians. * * * [*August 15, 1876.*]

ACTS OF FORTY-FOURTH CONGRESS—SECOND SESSION, 1877.

Mar. 3, 1877.
[19 Stat., 271.]

CHAP. 101.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty-stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes.

[19 Stat., 291.]
Wagon transportation may be performed by Indian labor, and storehouses hired by Commissioner.

Be it enacted, &c. * * * And whenever practicable wagon transportation may be performed by Indian labor; and whenever it is so performed the Commissioner of Indian Affairs is hereby authorized to hire a storehouse at any railroad whenever necessary, and to employ a storekeeper therefor, and to furnish in advance the Indians who will do the transportation with wagons and harness, all the expenses incurred under this provision, to be paid out of this appropriation. * * * [*March 3, 1877.*]

ACTS OF FORTY-FIFTH CONGRESS—THIRD SESSION, 1879.

Mar. 3, 1879.
20 Stat. 377.

CHAP. 182.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

[20 Stat., 397.]
Archives, etc., relating to Indians, collected by Geographical and Geological Surveys to be turned over to Smithsonian Institution.
R. S., 5579-5594.

Be it enacted, etc. * * * That all the archives, records and materials relating to the Indians of North America, collected by the Geographical and Geological Survey of the Rocky Mountain Region, shall be turned over to the Smithsonian Institution, that the work may be completed and prepared for publication under its direction: *Provided*, That it shall meet the approval of the Secretary of the Interior and of the Secretary of the Smithsonian Institution. * * * [*March 3, 1879.*]

ACTS OF FORTY-SIXTH CONGRESS—SECOND SESSION, 1880.

Apr. 1, 1880.
21 Stat., 70.

CHAP. 41.—An act to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

Secretary of Interior may deposit Indian trust funds in Treasury.
R. S., 3659.
1876, June 10, ch. 122, ante, p. 26.
R. S., 2096.
28 Ct. Cls., 447.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to deposit, in the Treasury of the United States, any and all sums now held by him, or which may hereafter be received by him, as Secretary of the Interior and trustee of various Indian tribes, on account of the redemption of United States bonds or other stocks and securities belonging to the Indian trust-fund, and all sums received on account of sales of Indian trust lands, and the sales of stocks lately purchased for temporary investment, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments;

Interest; how payable; permanent appropriation for same.

And the United States shall pay interest semi-annually, from the date of deposit of any and all such sums in the United States Treasury, at the rate per annum stipulated by treaties or prescribed by law, and such payments shall be made in the usual manner, as each may become due, without further appropriation by Congress. [*April 1, 1880.*]

May 11, 1880.
21 Stat., 114.

CHAP. 85.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

[21 Stat., 131.]
Secretary of Interior may purchase articles made at Indian training schools.
R. S., 2063.

Be it enacted, &c. * * * That the Secretary of the Interior be, and he is hereby, authorized, whenever it can be done advantageously, to purchase, for use in the Indian service, from Indian manual and training schools, in the manner customary among individuals such articles as may be manufactured at such schools, and which are used in the Indian service. Accounts of such transactions shall be kept in the Indian Bureau and in the training schools, and reports thereof made from time to time. * * *

[21 Stat., 132.]
Indians not to be granted permits to go into Texas; officers liable to dismissal for violation.

SEC. 4. * * * That all officers and agents of the Army and Indian Bureaus are prohibited, except in a case specially directed by the President, from granting permission in writing or otherwise to any Indian or Indians on any reservation to go into the State of Texas under any pretext whatever; and any officer or agent of the Army or Indian Bureau who shall violate this provision shall be dismissed from the public service.

—Secretary of Interior to prevent Indians going there.

And the Secretary of the Interior is hereby directed and required to take at once such other reasonable measures as may be necessary in connection with said prohibition to prevent said Indians from entering said State. * * * [*May 11, 1880.*]

ACTS OF FORTY-SEVENTH CONGRESS—FIRST SESSION, 1882.

May 17, 1882.
22 Stat., 68.

CHAP. 163.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

[22 Stat., 70.]
Indian interpreters, salaries of.
Repeal of R. S. 2070.

Be it enacted &c., * * * Section two thousand and seventy o the Revised Statutes be, and the same is hereby, repealed. * *

For the expenses of the commission of citizens, serving witho compensation, appointed by the President under the provision of the fourth section of the act of April tenth, eighteen hundred and sixty-nine, * * * And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior. * * *

Indian Commission duties of restricted.
R. S., 2039-2042.

When it becomes necessary to detail clerks and other employees of the Indian service outside of Washington to assist in the opening of bids, making contracts, and shipping goods, they may be allowed a per diem of not exceeding four dollars per day for hotel and other expenses, which per diem shall be in lieu of all expenses now authorized by law, exclusive of railway transportation and sleeping car fare. * * *

[22 Stat., 86.]
Per diem pay to certain clerks, etc., detailed for special duty in Indian service.
1875, Mar. 3, c. 132, par. 1, ante, p. 26.

Section two thousand and fifty-six of the Revised Statutes is hereby amended so as to read as follows:

[22 Stat., 87.]

SEC. 2056. Each Indian agent shall hold his office for the term of four years and until his successor is duly appointed and qualified. * * *

Indian agents to hold four years.
Substitute for R. S., 2056.
24 C. Cls., 331.

SEC. 6. That the President may, in his discretion, consolidate two or more agencies into one, and where Indians are located on reservations created by executive order he may, with the consent of the tribes to be affected thereby, expressed in the usual manner, consolidate one or more tribes, and abolish such agencies as are thereby rendered unnecessary;

[22 Stats., 88.]
Consolidation and abolition of agencies.
R. S., 2059.

And preference shall at all times, as far as practicable, be given to Indians in the employment of clerical, mechanical, and other help on reservations and about agencies.

Preference to Indians.
R. S., 2069.
1875, Mar. 3, c. 132, s. 5, ante, p. 24.

SEC. 7. That it shall be the duty of the Commissioner of Indian Affairs to cause to be compiled and printed for the use of Indian Agents and inspectors the provisions of the statutes regulating the performance of their respective duties, and also to furnish said officers from time to time information of new enactments upon the same subject. * * * [*May 17, 1882.*]

Statutes, etc., to be furnished to agents by Commissioner.
R. S., 464.

July 31, 1882.

22 Stat., 179.

CHAP. 360.—An act to amend section twenty-one hundred and thirty-three of the Revised Statutes in relation to Indian traders.

Be it enacted, &c., That section twenty-one hundred and thirty-three of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read:

"Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without such license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of five hundred dollars:

Provided, That this section shall not apply to any person residing among or trading with the Choctaws, Cherokees, Chickasaws, Creeks, or Seminoles, commonly called the five civilized tribes, residing in said Indian country, and belonging to the Union Agency therein:

And provided further, That no white person shall be employed as a clerk by any Indian trader, except such as trade with said five civil-

Penalty for residing in Indian country as trader, etc., without license, etc.
Substitute for R. S. 2133.
1876, Aug. 15, c. 289, s. 5, and p. 27.
95 U. S., 204.
7 Fed. Rep., 903.
14 Fed. Rep., 821.
6 Sawyer, 17.
38 Fed. Rep., 400.
45 Fed. Rep., 847.
49 Fed. Rep., 48.
8 Sawyer, 116, 337.
46 N. W. Rep., 502.
46 N. W. Rep., 571.
3 Okla., 161.
1 Oreg., 192.
152 U. S., 570.
2 Fed. Rep., 56.
49 Fed. Rep., 360.
51 Fed. Rep., 808.
58 Fed. Rep., 542.

ized tribes, unless first licensed so to do by the Commissioner of Indian Affairs, under and in conformity to regulations to be established by the Secretary of the Interior." [*July 31, 1882.*]

CHAP. 469.—An act to amend section forty seven hundred and sixty six, title fifty seven, of the Revised Statutes of the United States.

Aug. 8, 1882.

22 Stat., 373.

Pensions to be paid only to pensioners in person.

Substitute for R. S. 4766; R. S. 4765.

Be it enacted, &c., That section forty-seven hundred and sixty-six, title fifty seven, of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 4766. Hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this title;

Assignment, etc., not recognized.

And no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim agent, broker, or other person shall be recognized by any agent for the payment of pensions, nor shall any pension be paid thereon;

Pensioners under disabilities and in foreign countries, how paid.

But the payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed, and pensions payable to persons in foreign countries may be made according to the provisions of existing laws:

Insane or imprisoned pensioners, payment may be made to wife or guardian of children.

Provided, That in case of an insane invalid pensioner having no guardian, but having a wife or children dependent upon him (the wife being a woman of good character), the Commissioner of Pensions is hereby authorized, in his discretion, to cause the pension to be paid to the wife, upon her properly-executed voucher, or in case there is no wife, to the guardian of the children, upon the properly-executed voucher of such guardian, and in like manner to cause the pension of invalid pensioners who are or may hereafter be imprisoned as punishment for offenses against the laws to be paid while so imprisoned to their wives or the guardians of their children.

Indian pensioners may be paid in standard silver.

And pensions to Indian pensioners residing in the Indian Territory may be paid in person by the pension agent, upon a suitable voucher, at some convenient point in said Territory, which, together with the form and manner of identification of the pensioners, may be prescribed by the Secretary of the Interior; such payments to be made in standard silver, at least once in each current year.

Payments in cash, when may be made. R. S., 4784.

And payments in person shall be made to the pensioner, in cash, by the pension agent whenever in the discretion of the Commissioner of Pensions such personal payments shall be by him deemed necessary or proper to secure to the pensioner his rights; and the necessary and actual expenses of such pension agent in making such payment shall be paid by the Secretary of the Interior upon properly-executed vouchers, out of the contingent fund appropriated for the use of the Pension Office.

Commissioner of Pensions may examine agencies or medical boards or surgeons.

The Commissioner of Pensions may, when in his judgment it shall be deemed necessary or proper, visit in person, for the purpose of examination and inspection, or may send any one or more of the officers of his bureau for that purpose, any of the pension agencies or medical examining boards or surgeons; and the necessary and actual expenses of such visits shall be paid by the Secretary of the Interior, upon properly executed vouchers, out of the contingent fund of said bureau. [*August 8, 1882.*]

ACTS OF FORTY-SEVENTH CONGRESS—SECOND SESSION, 1883.

Mar. 3, 1883.

22 Stat., 582.

CHAP. 141.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section four of the act of June fourteenth, eighteen hundred and seventy-eight, heretofore paid from permanent appropriations, and for other purposes.

[22 Stat., 590.]
Proceeds of timber, etc., from Indian reservations to be covered in, etc.
R. S., 2098.
1887, Mar. 2, ch. 320, post, p. 36.

Be it enacted, &c., * * * SEC. 2. * * * The proceeds of all pasturage and sales of timber, coal, or other product of any Indian reservation, except those of the five civilized tribes, and not the result of the labor of any member of such tribe, shall be covered into the Treasury for the benefit of such tribe under such regulations as the Secretary of the Interior shall prescribe; and the Secretary shall report his action in detail to Congress at its next session. * * * [*March 3, 1883.*]

ACTS OF FORTY-EIGHTH CONGRESS—FIRST SESSION, 1884.

July 4, 1884.

23 Stat., 76.

CHAP. 180.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

[23 Stat., 77.]
Traveling allowances to special agents.
R. S., 2077.

That special agents shall be allowed three dollars per diem for traveling and incidental expenses while traveling or actually on duty in the field, exclusive of cost of transportation and sleeping-car fare. * * *

[23 Stat., 94.]
Sale of cattle of Indians to persons not members of same tribe prohibited.
R. S., 2127, 2138.

That where Indians are in possession or control of cattle or their increase which have been purchased by the Government such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong or to any citizen of the United States whether intermarried with the Indians or not except with the consent in writing of the agent of the tribe to which the owner or possessor of the cattle belongs.

Penalty.

And all sales made in violation of this provision shall be void and the offending purchaser on conviction thereof shall be fined not less than five hundred dollars and imprisoned not less than six months. * * *

Penalty for selling, donating, etc., liquors to Indians by persons in Army under any circumstances.
R. S., 2139, 2140.
17 Fed. Rep., 75; 49 Fed. Rep., 200.

And no part of section twenty-one hundred and thirty-nine or of section twenty-one hundred and forty of the Revised Statutes shall be a bar to the prosecution of any officer, soldier, sutler or storekeeper, attache, or employe of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, wines, beer, or any intoxicating beverage whatsoever to any Indian. * * *

[23 Stat., 96.]
Homestead laws made applicable to Indians, etc.
R. S., 2289, 2302.
1875, Mar. 3, ch. 131, s. 15, ante, p. 23.
1887, Feb. 8, ch. 119, post, p. 33.
1891, Feb. 28, ch. 383, post, 57.

That such Indians as may now be located on public lands, or as may, under the direction of the Secretary of the Interior, or otherwise, hereafter, so locate may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States; and to aid such Indians in making selections of homesteads and the necessary proofs at the proper land offices, one thousand dollars, or so much thereof as may be necessary, is hereby appropriated; but no fees or commissions shall be charged on account of said entries or proofs.

Lands to be held in trust by United States.
1888, Oct. 19, ch. 1214, post, p. 39.
1893, Mar. 3, ch. 209, post, p. 66.
96 Fed. Rep., 288.

All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. * * *

[23 Stat., 97.]
Officers and others presenting false vouchers to forfeit all claims, etc.
1874, June 22, ch. 389, and note, ante, p. 22.
1875, March 3, ch. 132, S. 10, ante, p. 25.

SEC. 8. That any disbursing or other officer of the United States, or other person who shall knowingly present, or cause to be presented, any voucher, account, or claim to any officer of the United States, for approval or payment, or for the purpose of securing a credit in any account with the United States, relating to any matter pertaining to the Indian service, which shall contain any material misrepresentation of fact in regard to the amount due or paid, the name or character of the article furnished or received, or of the service rendered, or to the date of purchase, delivery, or performance of service, or in any other particular, shall not be entitled to payment or credit for any part of said voucher, account, or claim; and if any such credit shall be given or received, or payment made, the United States may recharge the same to the officer or person receiving the credit or payment, and recover the amount from either or from both, in the same manner as other debts due to the United States are collected:

—not to apply to other vouchers.

Provided, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation:

—presumed to know facts.

And provided further, That the officers and persons by and between whom the business is transacted shall, in all civil actions in settlement of accounts, be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim:

—to be in addition to penalties, etc.
R. S., 5438.

And provided further, That the foregoing shall be in addition to the penalties now prescribed by law, and in no way affect proceedings under existing law for like offenses.

—to be printed on vouchers.

That where practicable this section shall be printed on the blank forms of vouchers provided for general use.

Indian agents to submit census in annual reports.
R. S., 2056.

SEC. 9. That hereafter each Indian agent be required, in his annual report, to submit a census of the Indians at his agency or upon the reservation under his charge, the number of males above eighteen years of age, the number of females above fourteen years of age, the number of school children between the ages of six and sixteen years, the number of school-houses at his agency, the number of schools in operation and the attendance at each, and the names of teachers employed and salaries paid such teachers.

Expense of land service not chargeable to Indian lands.
110 U. S., 688.

SEC. 10. That no part of the expenses of the public lands service shall be deducted from the proceeds of Indian lands sold through the General Land Office, except as authorized by the treaty or agreement providing for the disposition of the lands. * * * [*July 4, 1884.*]

ACTS OF FORTY-EIGHTH CONGRESS—SECOND SESSION, 1885.

Mar. 3, 1885.

23 Stat., 362.

CHAP. 341.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

[23 Stat., 385.]
Indians committing certain crimes in Territory, etc., subject to laws thereof.
R. S., 2145, 2146.
1887, Mar. 2, c. 320, post, p. 36.
1888, Feb. 15, c. 10, post, p. 38.
1897, Jan. 15, c. 29, post, p. 82; 118, U. S., 375; 31 Fed. Rep., 327; 47 Fed. Rep., 466.
1889, Mar. 1, c. 333, and note, post, p. 39; 1889, Mar. 2, c. 421, s. 11, post, p. 45.
1890, May 2, c. 182, s. 29–42, post, p. 47; 112 U. S., 573; 120 U. S., 348; 130 U. S., 208.

Be it enacted, &c. * * * SEC. 9. That immediately upon and after the date of the passage of this act all Indians, committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases;

—in States and Indian reservations, to what laws subject.

And all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any

Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States. [*March 3, 1885.*]

37 Fed. Rep., 145; 96 Fed. Rep., 541; 46 Pac. Rep., 666; 140 U. S., 575; 90 Fed. Rep., 437.

ACTS OF FORTY-NINTH CONGRESS—SECOND SESSION, 1887.

CHAP. 119.—An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.[a]

Feb. 8, 1887.

24 Stat., 388.

President may allot land.

Be it enacted, &c., [*For substitute for section 1, see 1891, Feb. 28, c. 383, s. 1, post, p. 56*].

Selection of allotments.
19 Opins., 255, 559.

SEC. 2. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection.

Improvements.

Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act:

Failure to select for four years, Secretary of Interior may select.

Provided, That if any one entitled to an allotment shall fail to make a selection within four years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner.

Allotments to be made by special agents, reservation agents.
19 Opins., 14.

—certificates.
69 Fed. Rep., 886.
64 Fed. Rep., 417.

SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office.

Indians not on reservations, etc., may make selection of public lands.
56 Fed. Rep., 855; 72 N.W. Rep., 842; 65 Fed. Rep., 30; 44 N.W. Rep., 471.

SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress or executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land-office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided.

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[a] Special provisions exist in regard to lands in severalty to the following tribes: Stockbridge Munsee, Ottawa and Chippewa of Michigan, Ute, Winnebago, Crow, Omaha, Umatilla, Sac and Fox, Iowa, Sioux, Gros Ventres, Piegan, Blood, Blackfeet, River Crow, Winnebago, Chippewa, Shoshone, Bannock, Sheepeater, Flathead, Ponca, Confederated Wea, Peoria, Kaskaskia, Piankeshaw and Western Miami, Round Valley, Mission, Citizen Band of Pottawatomie, Cheyenne and Arapahoe, Coeur d'Alene, Arickaree, Mandan, Sisseton and Wahpeton bands of Sioux—for reference to which special provisions, see index under title "Allotments;" See also in the index, names of particular tribes.

Fees of land officers to be paid from Treasury.

And the fees to which the officers of such local land-office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them, from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

Patent to issue, holding lands in trust; conveyance after twenty-five years.
1875, Mar. 3, c. 131, s. 15, ante, p. 23.
1889, Feb. 16, c. 172, post, p. 30.
19 Opins., 232.
1901, Mar. 3, c. 832, post, p. 114.

SEC. 5. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the President of the United States may in any case in his discretion extend the period.

Contracts, conveyances, etc., before end of twenty-five years void.
1891, Feb. 28, c. 383, s. 1, post, p. 56.

And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void:

Laws of descent and partition.
1891, Feb. 18, c. 383, s. 5, post, p. 58.

Provided, That the law of descent and partition in force in the State or Territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided; and the laws of the State of Kansas regulating the descent and partition of real estate shall, so far as practicable, apply to all lands in the Indian Territory which may be allotted in severalty under the provisions of this act:

Negotiations by Secretary of Interior for purchase of lands not allotted.
R. S., 2079.

And provided further, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress:

Agricultural lands so purchased to be held for actual settlers, if arable.
1891, Mar. 3, c. 561, s. 10, 26 Stat., 1095.

Provided however, That all lands adapted to agriculture, with or without irrigation so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education:

Patent to issue only to persons taking for homestead.

And provided further, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void.

Purchase-money to be held in trust for Indians.

And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservations belonged; and the same, with interest thereon at three per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof.

Patents to be recorded free.

The patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottee entitled thereto.

Lands occupied by religious organizations to be confirmed to them.

And if any religious society or other organization is now occupying any of the public lands to which this act is applicable, for religious or educational work among the Indians, the Secretary of the Interior is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or alter any claim of such society for religious or educational purposes heretofore granted by law.

In employment of Indians preference to be given, etc.
R. S., 2069.
1877, Mar. 3, ch. 101, ante, p. 27.
1880, May 11, ch. 85, ante, p. 28.

And hereafter in the employment of Indian police, or any other employes in the public service among any of the Indian tribes or bands affected by this act, and where Indians can peform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.

Citizenship to be accorded to allottees and Indians adopting civilized life.
R. S., 2119.
1875, Mar. 3, ch. 131, s. 15, ante, p. 23.

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law.

1888, Aug. 9, ch. 818, s. 2, post, p. 38.
64 Fed. Rep., 417.
1901, Mar. 3, ch. 868, post, p. 114.
66 Fed. Rep., 541.
71 Fed. Rep., 576.

As amended, post, p. 114.

And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, [*and every Indian in Indian Territory,*] is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

Secretary of Interior to prescribe rules for use of waters for irrigation.

SEC. 7. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

Act not to extend to lands of certain tribes.

SEC. 8. That the provision of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies and Peorias, and Sacs and Foxes, in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the south added by executive order.[b]

Appropriation for surveys.

SEC. 9. That for the purpose of making the surveys and resurveys mentioned in section two of this act, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be repaid proportionately out of the proceeds of the sales of such land as may be acquired from the Indians under the provisions of this act.

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[b] The provisions of this act are extended to the Wea, Peoria, Kaskaskia, Piankeshaw, and Western Miami tribes by act of 1889, March 2, ch. 422 (post, p. 344).

Rights of way for railroads, etc., not affected.

SEC. 10. That nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or to condemn such lands to public uses, upon making just compensation.

Removal of Southern Utes not affected by act.

SEC. 11. That nothing in this act shall be so construed as to prevent the removal of the Southern Ute Indians from their present reservation in Southwestern Colorado to a new reservation by and with the consent of a majority of the adult male members of said tribe. [*February 8, 1887.*]

Mar. 2, 1887.

24 Stat., 449.

CHAP. 320.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-eight, and for other purposes.

[24 Stat., 463.]
Secretary of Interior may use for Indians money covered into Treasury from sales of timber, etc.
1883, Mar. 3, ch. 141, ante, p. 31.

Be it enacted, &c. * * * That the Secretary of the Interior is hereby authorized to use the money which has been or may hereafter be covered into the Treasury under the provisions of the act approved March third, eighteen hundred and eighty-three, and which is carried on the books of that Department under the caption of "Indian moneys, proceeds of labor," for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best, and shall make annually a detailed report thereof to Congress. * * *

[24 Stat., 464.]
Crimes against Indian police or Indian deputy marshal to be tried in district courts.
1885, Mar. 3, ch. 341, ante, p. 32.
120 U. S., 343.

That immediately upon and after the passage of this act any Indians committing against the person of any Indian policeman appointed under the laws of the United States, or any Indian United States deputy marshal, while lawfully engaged in the execution of any United States process, or lawfully engaged in any other duty imposed upon such policeman or marshal by the laws of the United States, any of the following crimes, namely, murder, manslaughter, or assault with intent to kill, within the Indian Territory, shall be subject to the laws of the United States relating to such crimes, and shall be tried by the district court of the United States exercising criminal jurisdiction where said offense was committed, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases.[a] * * *

[24 Stat., 465.]
Secretary of Interior to report annually manner of expenditure of Indian education fund.
R. S., 445.

For support of schools. * * * That the Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general education fund for the preceding fiscal year has been expended; and said report shall embrace the number and kind of school-houses erected, and their cost, as well as cost of repairs, names of every teacher employed, and compensation allowed, the location of each school, and the average attendance at each school.[b] * * * [*March 2, 1887.*]

ACTS OF FIFTIETH CONGRESS—FIRST SESSION, 1888.

Feb. 15, 1888.

CHAP. 10.—An act to punish robbery, burglary, and larceny, in the Indian Territory.

25 Stat., 33.
In Indian Territory, horse stealing, how punished.
156 U. S., 48.

Be it enacted, &c., That any person hereafter convicted in the United States courts having jurisdiction over the Indian Territory or parts thereof, of stealing any horse, mare, gelding, filly, foal, ass or mule, when said theft is committed in the Indian Territory, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than fifteen years, or by both such fine and imprisonment, at the discretion of the court.

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[a] The act of 1888, June 9, ch. 382 (post, p. 37), contains more extended provisions on this subject, and perhaps supersedes this paragraph.

[b] Similar provisions are contained in previous appropriation acts (23 Stat., 381; 24 Stat., 45).

R. S., 5356.
1886, Mar. 3, ch. 341, ante, p. 32.
1890, May 2, ch. 182, s. 29, post, p. 51.

SEC. 2. That any person hereafter convicted of any robbery or burglary in the Indian Territory shall be punished by a fine of not exceeding one thousand dollars, or imprisonment not exceeding fifteen years, or both, at the discretion of the court;

—robbery and burglary, how punished.
R. S., 2145, 5370, 5456, 5472.

Provided, That this act shall not be so construed as to apply to any offense committed by one Indian upon the person or property of another Indian, or so as to repeal any former act in relation to robbing the mails or robbing any person of property belonging to the United States:

Act not to apply to offenses of one Indian upon another.
158 U. S., 48.

And provided further, That this act shall not affect or apply to any prosecution now pending, or the prosecution of any offense already committed.

Pending trials.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That all such acts and parts of acts shall remain in force for the punishment of all persons who have heretofore been guilty of the crime of larceny in the Indian Territory. [*February 15, 1888.*]

Repeal.
Trial for prior offenses.

CHAP. 340.—An act to amend section fifty-three hundred and eighty-eight of the Revised Statutes of the United States, in relation to timber depredations.

June 4, 1888.
25 Stat., 166.

Be it enacted, &c., That section fifty-three hundred and eighty-eight of the Revised Statutes of the United States be amended so as to read as follows:

"Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys or procures to be wantonly destroyed, any timber standing upon the land of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court." [*June 4, 1888.*]

Timber depredations on lands reserved for military or other purposes, or on Indian reservations, &c., punished.
Substitute for R. S. 5388.
1889, Feb. 16, ch. 172, *post*, p. 39.
19 Opins., 183.

CHAP. 382.—An act for the protection of the officials of the United States in the Indian Territory[a].

June 9, 1888.
25 Stat., 178.

Be it enacted, &c., That any Indian hereafter committing against the person of any Indian agent or policeman appointed under the laws of the United States, or against any Indian United States deputy marshal, posse comitatus, or guard, while lawfully engaged in the execution of any of the United States process, or lawfully engaged in other duty imposed upon such agent, policeman, deputy marshal, posse comitatus, or guard by the laws of the United States, any of the following crimes, namely, murder, manslaughter, or assault with intent to murder, assault, or assault and battery, or who shall in any manner obstruct by threats or violence any person who is engaged in the service of the United States in the discharge of any of his duties as agent, policeman, or other officer aforesaid, within the Indian Territory, or who shall hereafter commit either of the crimes aforesaid, in said Indian Territory, against any person who, at the time of the commission of said crime, or at any time previous thereto, belonged to either of the classes of officials hereinbefore named, shall be subject to the laws of

Punishment of Indians for crimes against United States officers, etc., in Indian Territory.
1889, Mar. 1, ch. 333, s. 1, 2, 5, and note (b), *post*, pp. 39, 40.
1890, May 2, ch. 182, s. 30, *post*, p. 48.

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[a] This act appears to supersede the act of March 2, 1887, ch. 320, par. 2 (ante, p. 36).

Jurisdiction of district court.

the United States relating to such crimes, and shall be tried by the district court of the United States exercising criminal jurisdiction where such offense was committed, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases. [*June 9, 1888.*]

June 29, 1888.

25 Stat., 217.

CHAP. 503.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes.

[25 Stat., 239.] Bible may be taught in Indian language.

Be it enacted, &c. * * * SEC. 10. That at day or industrial schools sustained wholly or in part by appropriations contained in this act, and at which school church organizations are assisting in the educational work, the christian bible may be taught in the native language of the Indians, if in the judgment of the persons in charge of the schools it may be deemed conducive to the moral welfare and instruction of the pupils in such schools. * * * [*June 29, 1888.*]

Aug. 9, 1888.

25 Stat., 392.

CHAP. 818.—An act in relation to marriage between white men and Indian women.

White men marrying Indian women not to acquire tribal rights.

Be it enacted, &c., That no white man, not otherwise a member of any tribe of Indians, who may hereafter marry, an Indian woman, member of any Indian tribe in the United States, or any of its Territories except the five civilized tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

Indian women marrying white men become citizens

1887, Feb. 8, c. 119, s. 6, ante, p. 35.

SEC. 2. That every Indian woman, member of any such tribe of Indians, who may hereafter be married to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman:

1897, June 7, c. 3, post, p. 87.

Provided, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

Evidence of marriage of white men with Indian women.

SEC. 3. That whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent. [*August 9, 1888.*]

Oct. 19, 1888.

25 Stat., 611.

CHAP. 1214.—An act authorizing the Secretary of the Interior to accept the surrender of and cancel land patents to Indians in certain cases.[a]

Acceptance of surrender of land patents from Indians.

1887, Feb. 8, c. 119, ante, p. 33.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to accept the surrender of and to cancel patents conveying the land therein described and issued to the following-named * * * Indians, * * * and to allot and patent to said Indians, under the act of February eighth, eighteen hundred and eighty-seven, such lands as they would be thereby entitled to had no previous patents to them severally been made.

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[a] Section 1 of this act is special, and only so much is here retained as is necessary to an understanding of section 2, which contains the only general legislation in the act.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, and whenever for good and sufficient reason he shall consider it to be for the best interest of the Indians, in making allotments under the statute aforesaid, to permit any Indian to whom a patent has been issued for land on the reservation to which such Indian belongs, under treaty or existing law, to surrender such patent with formal relinquishment by such Indian to the United States of all his or her right, title, and interest in the land conveyed thereby, properly indorsed thereon, and to cancel such surrendered patent:

Indians may surrender patents, and receive allotments in severalty.
1875, Mar. 3, c. 131 s. 15, ante, p. 23.
1884, July 4, c. 180, ante, p. 31.

Provided, That the Indian so surrendering the same shall make a selection, in lieu thereof, of other land and receive patent therefor, under the provisions of the act of February eighth, eighteen hundred and eighty-seven. [*October 19, 1888.*]

ACTS OF FIFTIETH CONGRESS—SECOND SESSION, 1889.

CHAP. 172.—An act in relation to dead and fallen timber on Indian lands.

Feb. 16, 1889.

25 Stat., 673.

Be it enacted, &c., That the President of the United States may from year to year in his discretion under such regulations as he may prescribe authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell or otherwise dispose of the dead timber standing or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians.

Indians on reservations may be allowed to cut, remove, etc., dead timber,
1887, Feb. 8, c. 119, s. 5, ante, p. 34.
1888, June 4, c. 340, ante, p. 37.
89 Fed. Rep., 907.

But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act then in that case such authority shall not be granted. [*February 16, 1889.*]

CHAP. 333.—An act to establish a United States court in the Indian Territory, and for other purposes.[a]

Mar. 1, 1889.

25 Stat., 783.

Be it enacted, &c., That a United States court is hereby established, whose jurisdiction shall extend over the Indian Territory, bounded as follows, to wit:

Indian Territory United States court established in.
1895, Mar. 1, c. 145, post, p. 70.

[a] 40 Fed. Rep., 372; 153 U. S., 48; 47 Fed. Rep., 488; 66 Fed. Rep., 372; 69 Fed. Rep., 68.

North by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, and west by the State of Texas and the Territory of New Mexico.

Boundary of district.
R. S., 533.
1890, May 2, c. 182, s. 29, post, p. 47.

And a judge shall be appointed for said court by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for a term of four years, and until his successor is appointed and qualified, and receive a salary of three thousand five hundred dollars per annum, to be paid from the Treasury of the United States in like manner as the salaries of judges of the United States district courts.

Judge, appointment, term of office, salary.

SEC. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, an attorney and marshal for said court, who shall continue in office for four years, and until their successors be duly appointed and qualified, and they shall discharge the like duties and receive the same fees and salary as now received by the United States attorney and marshal for the western district of Arkansas.

Attorney and marshal.
R. S., 771–776, 787–792, 824–827, 829, 830.
1888, June 9, c. 382, ante, p. 37.
1895, Mar. 1, c. 145, post, p. 70.

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[a] The jurisdiction of courts and the punishment of offenses in the Indian Territory have been the subject of numerous statutes.

Revised Statutes, 533, makes the Indian Territory a part of the western district of Arkansas. Chapter 4 of Title XXVIII, Revised Statutes (2127–2157), relating to the government of Indian country, contains sections defining offenses or imposing penalties as follows: 2133, trading in the Indian country without a license; 2134.

Deputy marshals.
R. S., 780, 783.

The said marshal may appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals; and said marshal shall give bond, with two or more sureties, to be approved by the judge of said court, in the sum of ten thousand dollars, conditioned as by law required in regard to the bonds of other United States marshals.

Clerk.
R. S., 795, 797–799, 828.
1895, Mar. 1, c. 145, post, p. 70.
1901, Mar. 3, c. 882, post, p. 111.

SEC. 3. That a clerk of said court shall be appointed by the judge thereof, who shall reside and keep his office at the place of holding said court. Said clerk shall perform the same duties, be subject to the same liabilities, and shall receive the same fees and compensation as the clerk of the United States court of the western district of Arkansas; and before entering upon his duties he shall give bond in the sum of ten thousand dollars, with two or more sureties, to be approved by the judge of said court, conditioned that he will discharge his duties as required by law.

Official oaths.
R. S., 712, 782, 794.

SEC. 4. That the judge appointed under the provision of this act shall take [*the same*] oath, required by law to be taken by the judges of the districts courts of the United States; and the oath, when taken as in such cases provided, shall be duly certified by the officer before whom the same shall have been taken to the clerk of the court herein established, to be by him recorded in the records of said court.

The clerk, marshal, and deputy marshals shall take before the judge of said court the oath required by law of the clerk, marshal, and deputy marshals of the United States district courts, the same to be entered of record in said court as provided by law in like cases.

Jurisdiction of offenses.
S. 27, post, p. 43.
135 U. S., 263.

SEC. 5. That the court hereby established shall have exclusive original jurisdiction over all offenses against the laws of the United States committed within the Indian Territory as in this act defined, not punishable by death or by imprisonment at hard labor.

—of civil cases.
1890, May 2, c. 182, s. 29, post, p. 47.
66 Fed. Rep., 843.

SEC. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States, or of any State or Territory therein, and any citizen of or person or persons

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foreigner entering the country without passport; 2135, receiving certain articles from Indians; 2136, selling arms or ammunition to Indians; 2137, hunting in Indian country; 2138, removing stock; 2139, 2141, spirituous liquors in the Indian country; 2142, assault with intent to kill or maim by a white person upon anyone, or by an Indian upon white person; 2143, arson by a white person on any property, or by an Indian on property belonging to a white person; 2144, laws of United States for forgery and mail depredations extended to Indian country; 2145, 2146, general laws of United States for punishment of crimes within its exclusive jurisdiction extended to the Indian country, except to crimes by one Indian against another, or to any Indian who has been punished by the tribal law, or where exclusive jurisdiction is secured to the Indian tribes.

By 1883, January 6, chapter 13 (22 Stat. 400), portions of the Indian Territory are annexed to the district of Kansas and the northern district of Texas. By 1885, March 3, chapter 341, section 9 (ante, p. 32), Indians committing against an Indian or other person certain major offenses in any Territory, either within or without an Indian reservation, are subject to the Territorial laws, and if within a reservation in a State, are subject to the laws relating to the same crimes within the exclusive jurisdiction of the United States. By 1888, February 15, chapter 10 (ante, p. 36), punishment is provided for horse stealing, robbery, and burglary in the Indian Territory; and by 1888, June 9, chapter 382 (ante, p. 37), for offenses against United States officers. By 1888, June 4, chapter 343 (25 Stat., 167), United States marshals are empowered to enter the Indian Territory and execute process. As to what constitutes Indian country, see 95 U. S., 204.

By 1889, March 1, chapter 333, above, a United States court is established in the Indian Territory with jurisdiction (sec. 5) over all offenses against United States laws not punishable by death or imprisonment at hard labor, and (sec. 6) with cerresiding or found in the Indian Territory, and when the value of the thing in controversy, or damages or money claimed shall amount to one hundred dollars or more:

Provided, That nothing herein contained shall be so construed as to give the court jurisdiction over controversies between persons of Indian blood only:

—none in suits between Indians.
1898, June 28, c. 517, s. 26 and 28, post, p. 100.

And provided further, That all laws having the effect to prevent the Cherokee, Choctaw, Creek, Chickasaw and Seminole Nations, or either of them, from lawfully entering into leases or contracts for mining coal for a period not exceeding ten years, are hereby repealed;

Coal-mining leases and contracts by Indians no longer prohibited.

And said court shall have jurisdiction over all controversies arising out of said mining leases or contracts and of all questions of mining rights or invasions thereof where the amount involved exceeds the sum of one hundred dollars.

—jurisdiction of court as to.

That the provisions of chapter eighteen, title thirteen, of the Revised Statutes of the United States shall govern such court, so far as applicable: *Provided*, That the practice, pleadings, and forms of proceeding in civil causes shall conform, as near as may be, to the practice, pleadings, and forms of proceeding existing at the time in like causes in the courts of record of the State of Arkansas, any rule of court to the contrary notwithstanding; and the plaintiff shall be entitled to like remedies by attachment or other process against the property of the defendant, and for like causes, as now provided by the laws of said State.

Laws of United States as to procedure to apply, but practice to conform to that of Arkansas.
R. S. 911-1042.
1890, May 2, c. 182, s. 31, post, p. 49.
69 Fed. Rep., 68.

The final judgment or decree of the court hereby established, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds one thousand dollars may be reviewed and reversed or affirmed in the Supreme Court of the United States upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court.

Supreme Court may review cases over $1,000.
R. S., 691, 692, 699.
1890, May 2, c. 182, s. 42, post, p. 54.
1891, Mar. 3, c. 517, s. 13, post, p. 61.
1895, Mar. 1, c. 145, s. 11, post, p. 75.

SEC. 7. That two terms of said court shall be held each year at Muscogee, in said Territory, on the first Monday in April and September, and such special sessions as may be necessary for the dispatch of the business in said court at such times as the judge may deem expedient; and he may adjourn such special sessions to any other time previous to a regular term; and the marshal shall procure suitable rooms for the use and occupation of the court hereby created.

Terms of court.
1890, May 2, c. 182, s. 30, post, p. 47.

SEC. 8. That all proceedings in said court shall be had in the English language; and bona-fide male residents of the Indian Territory, over

Proceedings to be in English language.

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tain civil jurisdiction. The following offenses are defined and punished: Section 20, obstruction of railroad; section 21, injury to telegraph or telephone lines; section 22, disturbing religious worship; section 23, assault with intent to rob; section 24, injuries to animal property; section 25, certain assaults; section 26, setting fire to woods, marshes, or prairies, with intent to destroy improvements. By section 27 the jurisdiction of the new court is excluded from offenses by one Indian upon the person or property of another, and sections 23, 24, and 25 are not to apply to such offenses. Section 17 attaches a part of the Indian Territory to the eastern district of Texas, apparently repealing the jurisdiction of the northern district of Texas, granted by 1883, January 6, chapter 13, section 3 (22 Stat., 400). (See 138 U. S., 157, and 40 Fed. Rep., 472.)

By 1890, May 2, chapter 182, sections 1–28, (post, pp. 45–47), the Territory of Oklahoma is created out of a part of the Indian Territory, with an independent territorial judicial system (sec. 9), and the Cherokee outlet is attached thereto for judicial purposes. By section 29 jurisdiction of the United States court for the Indian Territory is confined to the remainder of the Territory; by sections 29, 31 its civil powers are extended; by section 34 authority is given to enforce Title XXVIII, chapters 3 and 4, R. S., sections 2111–2157, except in cases of arson and assault; by section 35 jurisdiction is conferred in certain cases under R. S., sections 5392–5412 and by section 36 in civil and criminal cases arising between Indians of different tribes. Various miscellaneous provisions in relation to the court are also contained in the act.

twenty-one years of age, and understanding the English language sufficiently to comprehend the proceedings of the court, shall be competent to serve as jurors in said court but shall be subject to exemptions and challenges as provided by law in regard to jurors in the district court for the western district of Arkansas.

Jury commissioners. 1890, May 2, c. 182, s. 30, post, p. 48.

SEC. 9. That the jurors shall be selected as follows: The court at its regular term shall select three jury commissioners, possessing the qualifications prescribed for jurymen, and who have no suits in court requiring the intervention of a jury; and the same persons shall not act as jury commissioners more than once in the same year. The judge shall administer to each commissioner the following oath:

—oath of.

"You do swear to discharge faithfully the duties required of you as jury commissioner; that you will not knowingly select any one as juryman whom you believe unfit and not qualified; that you will not make known to any one the name of any juryman selected by you and reported on your list to the court until after the commencement of the next term of this court; that you will not, directly or indirectly, converse with any one selected by you as a juryman concerning the merits of any cause or procedure to be tried at the next term of this court; so help you God."

—selection of jurors by.

SEC. 10. That the jury commissioners, after they have been appointed and sworn, shall retire to a jury room, or some other apartment designated by the judge, and be kept free from the intrusion of any person, and shall not separate without leave of the court until they have completed the duties required of them; that they shall select from the bona fide male residents of the Territory such number of qualified persons as the court shall designate, not less than sixty, free from all legal exception, of fair character and approved integrity, of sound judgment and reasonable information, to serve as petit jurors at the next term of court; shall write the names of such persons on separate pieces of paper, of as near the same size and appearance as may be, and fold the same so that the names thereon may not be seen.

Petit jurors.

The names so written and folded shall be then deposited in a box, and after they shall be shaken and well mixed, the commissioners shall draw from said box the names of thirty seven persons, one by one, and record the same as drawn, which record shall be certified and signed by the commissioners, and indorsed "List of petit jurors."

Alternate jurors.

SEC. 11. That the said commissioners shall then proceed to draw in like manner twelve other names, which shall be recorded in like manner on another paper, which shall be certified and signed by the commissioners, and indorsed "List of alternate petit jurors." The two lists shall be inclosed and sealed so that the contents can not be seen, and indorsed "List of petit jurors," designating for what term of the court they are to serve, which indorsement shall be signed by the commissioners, and the same shall be delivered to the judge in open court; and the judge shall deliver the lists to the clerk in open court, and administer to the clerk and his deputies the following oath:

Oath of clerk.

"You do swear that you will not open the jury-lists now delivered to you; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit pending and for trial in this court at the next term, unless by leave of the court; so help you God."

Copy of list of petit jurors to be made by clerk.

SEC. 12. That within thirty days before the next term, and not before, the clerk shall open the envelopes and make a fair copy of the lists of petit jurors and alternate petit jurors, and give the same to the marshal, who shall, at least fifteen days prior to the first day of the next term, summon the persons named as petit jurors and alternate petit jurors to attend on the first day of said term as petit jurors, by giving personal notice to each, or by leaving a written notice at the juror's place of residence with some person over ten years of age and there residing.

Return of jury lists by marshal.

That the marshal shall return said lists with a statement in writing of the date and manner in which each juror was summoned; and if any juror or alternate legally summoned shall fail to attend he may be attached and fined or committed as for contempt.

Filling vacancies on juries.

That if there shall not be a sufficient number of competent petit jurors and alternates present, and not excused, to form a petit jury, the court may compel the attendance of such absentees or order other competent persons to be summoned to complete the juries.

Selection by marshal.

SEC. 13. That if for any cause the jury commissioners shall not appoint or shall fail to select a petit jury as provided, or the panels selected be set aside, or the jury list returned in court shall be lost or destroyed, the court shall order the marshal to summon a petit jury of the number hereinbefore designated, who shall be sworn to perform the duties of petit jurors as if they had been regularly selected; and this provision shall also apply in the formation of petit juries for the first term of the court. The want of qualification of any person selected as juror under section ten of this act shall not necessarily operate as cause of challenge to the whole panel.

Fees of jurors and witnesses.

SEC. 14. That the fees of the jurors and witnesses before said court herein created shall be the same as provided in the district court of the United States for the western district of Arkansas.

Criminal trials. Citizens only to be jurors when citizen is defendant.

Amendment, post, p. 658.

SEC. 15. That in all criminal trials had in said court, in which a jury shall be demanded, and in which the defendant or defendants shall be citizens of the United States, none but citizens of the United States shall be competent jurors.

Writs and processes.

SEC. 16. That the judge of the court herein established shall have the same authority to issue writs of habeas corpus, injunctions, mandamus, and other remedial process, as exists in the circuit court of the United States.

40 Fed. R., 372.

[*Sections 17 to 19 are repealed by Section 9, act of March 1, 1895, Chapter 145, post, page 74.*]

In Indian Territory: punishment for obstructing, etc., railroads.

1896, May 25, c. 242, post, p. 78.

SEC. 20. That every person who shall, in the Indian Territory, willfully and maliciously place any obstruction, by stones, logs, or any other thing, on the track of any railroad, or shall tear up or remove, burn, or destroy any part of any such railroad, or the works thereof, with intent to obstruct the passage of any engine, car, or cars thereon, or to throw them off the track, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment at hard labor for any time not more than twenty years:

—in case a person is killed.

Provided, That if any passenger, employee, or other person shall be killed, either directly or indirectly, because of said obstruction, tearing up, removing, burning, or destroying, the person causing the same shall be deemed guilty of murder, and, upon conviction thereof, shall be punished accordingly.

—for injury to telegraph, etc., lines.

SEC. 21. That any person aforesaid who shall, in the Indian Territory, willfully and intentionally destroy, injure or obstruct any telegraph or telephone line, or any of the property or materials thereof, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be fined in any sum not more than five hundred dollars and imprisoned for any time not more than one year.

—for disturbing religious worship.

SEC. 22. That every person aforesaid who shall, in the Indian Territory, maliciously or contemptuously disturb or disquiet any congregation or private family assembled in any church or other place for religious worship, or persons assembled for the transaction of church business, by profanely swearing or using indecent gestures, threatening language, or committing any violence of any kind to or upon any person so assembled, or by using any language or acting in any manner that is calculated to disgust, insult, or interrupt said congregation, shall, upon conviction thereof, be sentenced to imprisonment for any time not exceeding sixty days, or to a fine not exceeding one hundred dollars, or both such fine and imprisonment.

—for assault with intent to rob.
Sec. 27, post.

Sec. 23. That every person aforesaid who shall, in the Indian country, feloniously, willfully, and with malice aforethought assault any person with intent to rob, and his counselors, aiders, and abettors, shall, on conviction thereof, be imprisoned at hard labor for a time not less than one nor more than fifteen years.

—for injuries to animal property.
Sec. 27, post.

Sec. 24. That every person who shall, in the Indian Territory, knowingly mark, brand, or alter the mark or brand of any animal the subject of larceny, the property of another, or who shall knowingly administer any poison to or maliciously expose any poisonous substance with the intent that the same shall be taken by any of the aforesaid animals, or shall willfully and maliciously, by any means whatsoever, kill, maim, or wound any of the aforesaid animals, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment for a period of not more than six months, or a fine of not more than two hundred dollars, or both such fine and imprisonment; and in case the animal shall have been killed or injured by said malicious mischief, the jury trying the case shall assess the amount of damages which the owner of the animal shall have sustained by reason thereof, and, in addition to the sentence aforesaid, the court shall render judgment in favor of the party injured for threefold the amount of the damages so assessed by the jury, for which said amount execution may issue against the defendant and his property.

—for assault.
Sec. 27, post; 40 Fed. Rep., 81; 42 Fed. Rep., 320.

Sec. 25. That if any person, in the Indian country, assault another with a deadly weapon, instrument, or other thing, with an intent to inflict upon the person of another a bodily injury where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant disposition, he shall be adjudged guilty of a misdemeanor, and, on conviction shall be fined in any sum not less than fifty nor exceeding one thousand dollars and imprisoned not exceeding one year.

—for setting fire to woods, etc.

Sec. 26. That if any person shall maliciously and willfully set on fire any woods, marshes, or prairies, in the Indian Territory, with the intent to destroy the fences, improvements, or property of another, such person shall be fined in any sum not exceeding five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

Certain sections not to apply to offenses between Indians.
Sec. 5, 23, 24, 25, ante.

Sec. 27. That sections five, twenty-three, twenty-four, and twenty-five of this act shall not be so construed as to apply to offenses committed by one Indian upon the person or property of another Indian.

Repeal.

Sec. 28. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed. [*March 1, 1889.*]

Mar. 2, 1889.

25 Stat., 980.

Chap. 412.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

[25 Stat., 1003.]
Superintendent of Indian schools to be appointed; his duties.
1891, Mar. 3, c. 543, 26 Stat., 989.

Be it enacted, &c., * * * **Sec. 10.** That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be Superintendent of Indian Schools, whose duty it shall be to visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs what, in his judgment, are the defects, if any, in any of them, in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior. * * *

[25 Stat., 1004.]
Costs in prosecution of Indians for crimes in Territories: how paid.
1885, Mar. 3, c. 341, s. 9, ante, p. 22.

SEC. 11. That hereafter the costs of the trial of the cases in the courts of the several Territories tried pursuant to and for the offenses named in section nine of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-six and for other purposes," shall be audited by the accounting officers of the Treasury and paid out of money for similar expenses in the trial of criminal cases in the courts of the United States. * * * [*March 2, 1889.*]

ACTS OF FIFTY-FIRST CONGRESS—FIRST SESSION, 1890.

May 2, 1890.
26 Stat., 81.

CHAP. 182.—An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States Court in the Indian Territory, and for other purposes.

Territory of Oklahoma.

Be it enacted, &c., That all that portion of the United States now known as the Indian Territory,[a] except so much of the same as is actually occupied by the five civilized tribes, and the Indian tribes within the Quapaw Indian Agency, and except the unoccupied part of the Cherokee outlet, together with that portion of the United States known as the Public Land Strip, is hereby erected into a temporary government by the name of the Territory of Oklahoma.

Boundaries.
19 Opins., 560.
1889, Mar. 1, c. 333, ante, p 39.

The portion of the Indian Territory included in said Territory of Oklahoma is bounded by a line drawn as follows: Commencing at a point where the ninety-eighth meridian crosses the Red River, thence by said meridian to the point where it crosses the Canadian River, thence along said river to the west line of the Seminole country, thence along said line to the north fork of the Canadian River, thence down said river to the west line of the Creek country, thence along said line to the northwest corner of the Creek country, thence along the north line of the Creek country, to the ninety-sixth meridian, thence northward by said meridian to the southern boundary line of Kansas, thence west along said line to the Arkansas River, thence down said river to the north line of the land occupied by the Ponca tribe of Indians from which point the line runs so as to include all the lands occupied by the Ponca, Tonkawa, Otoe and Missouria, and the Pawnee tribes of Indians until it strikes the south line of the Cherokee outlet which it follows westward to the east line of the State of Texas, thence by the boundary line of the State of Texas to the point of beginning;

Public Land Strip included.
1891, Mar. 3, c. 542, sec. 17, 26 Stat., 989.

The Public Land Strip which is included in said Territory of Oklahoma is bounded east by the one-hundredth meridian, south by Texas, west by New Mexico, north by Colorado and Kansas.

—Cherokee Outlet, when.

Whenever the interest of the Cherokee Indians in the land known as the Cherokee outlet shall have been extinguished and the President shall make proclamation thereof, said outlet shall thereupon and without further legislation, become a part of the Territory of Oklahoma.

—other lands, when.

Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning such lands shall signify to the President of the United States in legal manner its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect.

Boundaries may be changed.

Congress may at any time hereafter change the boundaries of said Territory, or attach any portion of the same to any other State or Territory of the United States without the consent of the inhabitants

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[a] The boundary of the Indian Territory is described in the act of March 1, 1889, ch. 333, sec. 1, ante p. 39. See also sec. 29 of this act, post p. 47.

Rights of Indians not impaired.

of the Territory hereby created: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indians or Indian tribe in said Territory under the laws, agreements, and treaties of the United States, or to impair the rights of person or property pertaining to said Indians, or to affect the authority of the Government of the United States to make any regulation or to make any law respecting said Indians, their lands, property, or other rights which it would have been competent to make or enact if this act had not been passed. * * *

[26 Stat., 88.]
District court to have jurisdiction over controversies between Indians of different tribes.
1889, Mar. 1, c. 333, note, ante, p. 39.

SEC. 12. That jurisdiction is hereby conferred upon the district courts in the Territory of Oklahoma over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Territory of Oklahoma, and any citizen or member of one tribe or nation who may commit any offense or crime in said Territory against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Territory of Oklahoma as he would be if both parties were citizens of the United States; and any person residing in the Territory of Oklahoma, in whom there is Indian blood, shall have the right to invoke the aid of courts therein for the protection of his person or property, as though he were a citizen of the United States: *Provided*, That nothing in this act contained shall be so construed as to give jurisdiction to the courts established in said Territory in controversies arising between Indians of the same tribe, while sustaining their tribal relations. * * *

[26 Stat., 90.]
Public Land Strip.
Subject to homestead laws, except the right to purchase, etc.
R. S., 2301.
1891, Feb. 28, c. 383, post, p. 58.

SEC. 18. * * * All the lands embraced in that portion of the Territory of Oklahoma heretofore known as the Public Land Strip, shall be open to settlement under the provisions of the homestead laws of the United States, except section twenty-three hundred and one of the Revised Statutes, which shall not apply; but all actual and bona fide settlers upon and occupants of the lands in said Public Land Strip at the time of the passage of this act shall be entitled to have preference to and hold the lands upon which they have settled under the homestead laws of the United States, by virtue of their settlement and occupancy of said lands, and they shall be credited with the time they have actually occupied their homesteads, respectively, not exceeding two years, on the time required under said laws to perfect title as homestead settlers.

Settlement, etc., of certain other lands under former acts.
Creeks and Seminole.
1889, Mar. 1, c. 317, post, p. 321.
1889, Mar. 2, c. 412 ss. 12-14, post, p. 348.

The lands within said Territory of Oklahoma, acquired by cession of the Muscogee (or Creek) Nation of Indians, confirmed by act of Congress approved March first, eighteen hundred and eighty-nine, and also the lands acquired in pursuance of an agreement with the Seminole Nation of Indians by re-lease and conveyance, dated March sixteenth, eighteen hundred and eighty-nine, which may hereafter be open to settlement, shall be disposed of under the provisions of sections twelve, thirteen, and fourteen of the "Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes," approved March second, eighteen hundred and eighty-nine, and under section two of an "Act to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine:

Such settlers to pay additional fees.

Provided, however, That each settler under and in accordance with the provisions of said acts shall, before receiving a patent for this homestead on the land hereafter opened to settlement as aforesaid, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents per acre.

Other Indian lands when open to settlement.

Whenever any of the other lands within the Territory of Oklahoma, now occupied by any Indian tribe, shall by operation of law or proc-

R. S., 2301.
1891, Mar. 3, c. 543, s. 16, post p. 419.

lamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead law, except section twenty-three hundred and one of the Revised Statutes of the United States, which shall not apply:

Additional fee.

Provided, however, That each settler, under and in accordance with the provisions of said homestead laws, shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, a sum per acre equal to the amount which has been or may be paid by the United States to obtain a relinquishment of the Indian title or interest therein, but in no case shall such payment be less than one dollar and twenty-five cents per acre.

Soldiers' and sailors' rights.
R. S., 2304, 2305.

The rights of honorably discharged soldiers and sailors in the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged except as to such payment.

School and missionary lands reserved.

All tracts of land in Oklahoma Territory which have been set apart for school purposes, to educational societies, or missionary boards at work among the Indians, shall not be open for settlement, but are hereby granted to the respective educational societies or missionary boards for whose use the same has been set apart.

Railroad corporations restricted as to land, etc.

No part of the land embraced within the Territory hereby created shall inure to the use or benefit of any railroad corporation, except the rights of way and land for stations heretofore granted to certain railroad corporations. Nor shall any provision of this act or any act of any officer of the United States, done or performed under the provisions of this act or otherwise, invest any corporation owning or operating any railroad in the Indian Territory, or Territory created by this act, with any land or right to any land in either of said Territories, and this act shall not apply to or affect any land which, upon any condition on becoming a part of the public domain, would inure to the benefit of, or become the property of, any railroad corporation. * * *

[26 Stat. 93.]
Indian Territory defined.
19 Opins., 565.
60 Ark., 308.

SEC. 29. That all that part of the United States which is bounded on the north by the State of Kansas, on the east by the States of Arkansas and Missouri, on the south by the State of Texas, and on the west and north by the Territory of Oklahoma as defined in the first section of this act, shall, for the purposes of this act, be known as the Indian Territory;

Jurisdiction of United States court limited to Indian Territory.
1889, Mar. 1, c. 333, s. 1, ante, p. 39.
69 Fed. Rep. 66.
— to extend to civil cases.
66 Fed. Rep. 372.

And the jurisdiction of the United States court established under and by virtue of an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine, is hereby limited to and shall extend only over the Indian Territory as defined in this section; that the court established by said act shall, in addition to the jurisdiction conferred thereon by said act, have and exercise within the limits of the Indian Territory jurisdiction in all civil cases in the Indian Territory, except cases over which the tribal courts have exclusive jurisdiction;

— tribal contracts, etc.
1889, Mar. 1, c. 333, s. 6, ante, p. 40.

And in all cases on contracts entered into by citizens of any tribe or nations with citizens of the United States in good faith and for valuable consideration, and in accordance with the laws of such tribe or nation, and such contracts shall be deemed valid and enforced by such courts; and in all cases over which jurisdiction is conferred by this act or may hereafter be conferred by act of Congress; and the provisions of this act hereinafter set forth shall apply to said Indian Territory only.

Terms of court.
Divisions.

SEC. 30. That for the purpose of holding terms of said court, said Indian Territory is hereby divided into three divisions, to be known as the first, second, and third division.

First division.
1889, Mar. 1, c. 333, s. 7, ante, p. 41.

The first division shall consist of the country occupied by the Indian tribes in the Quapaw Indian Agency and all that part of the Cherokee country east of the ninety-sixth meridian and all of the Creek country; and the place for holding said court therein shall be at Muskogee.

Second division.

The second division shall consist of the Choctaw country, and the place for holding said court shall be at South McAlister.

Third division.

The third division shall consist of the Chickasaw and Seminole countries, and the place for holding said court therein shall be at Ardmore.

Assistant attorney.

That the Attorney-General of the United States may, if in his judgment it shall be necessary, appoint an assistant attorney for said court.

Deputy clerks.

And the clerk of said court shall appoint a deputy clerk in each of said divisions in which said clerk does not himself reside at the place in such division where the terms of said court are to be held. Such deputy clerk shall keep his office and reside at the place appointed for holding said court in the division of such residence, and shall keep the records of said courts for such division, and in the absence of the clerk may exercise all the official powers of the clerk within the division for which he is appointed:

Provided, That the appointment of such deputies shall be approved by said United States court in the Indian Territory, and may be annulled by said court at its pleasure, and the clerk shall be responsible for the official acts and negligence of his respective deputies.

Terms of court.

The judge of said court shall hold at least two terms of said court each year in each of the divisions aforesaid, at such regular times as said judge shall fix and determine, and shall be paid his actual traveling expenses and subsistence while attending and holding court at places other than Muscogee.

Jurors.
1889, Mar. 1, c. 333, s. 8, 12, ante, p. 41.

And jurors for each term of said court, in each division, shall be selected and summoned in the manner provided in said act, three jury commissioners to be selected by said court for each division, who shall possess all the qualifications and perform in said division all the duties required of the jury commissioners provided for in said act.

Prosecutions.

All prosecutions for crimes or offenses hereafter committed in said Indian Territory shall be cognizable within the division in which such crime or offense shall have been committed.

Civil suits.

And all civil suits shall be brought in the division in which the defendant or defendants reside or may be found; but if there be two or more defendants residing in different divisions, the action may be brought in any division in which either of the defendants resides or may be found.

Where triable, etc.

And all cases shall be tried in the division in which the process is returnable as herein provided, unless said judge shall direct such case to be removed to one of the other divisions:

Jurisdiction of Indian judicial tribunals.
Repealed June 28, 1898, c. 517, s. 26 and 28, post p. 109. 162 U. S., 499, 67 Fed. R., 886.

Provided, however, That the judicial tribunals of the Indian nations shall retain exclusive jurisdiction in all civil and criminal cases arising in the country in which members of the nation by nativity or by adoption shall be the only parties; and as to all such cases the laws of the State of Arkansas extended over and put in force in said Indian Territory by this act shall not apply.

Laws of Arkansas applicable.
56 Fed. R., 443. 60 Ark., 1, 152 U. S., 527.

SEC. 31. That certain general laws of the State of Arkansas in force at the close of the session of the general assembly of that State of eighteen hundred and eighty-three, as published in eighteen hundred and eighty-four in the volume known as Mansfield's Digest of the Statutes of Arkansas, which are not locally inapplicable or in conflict with this act or with any law of Congress, relating to the subjects specially mentioned in this section, are hereby extended over and put in force in the Indian Territory until Congress shall otherwise provide, that is to say, the provisions of the said general statutes of Arkansas relating to administration, Chapter one, and the United States court in the Indian Territory herein referred to shall have and exercise the powers of courts of probate under said laws; to public administrators,

Chapter two, and the United States marshal of the Indian Territory shall perform the duties imposed by said chapter on the sheriffs in said State;

To arrest and bail, civil, chapter seven;
To assignment for benefit of creditors, chapter eight;
To attachments, chapter nine;
To attorneys at law, chapter eleven;
To bills of exchange and promissory notes, chapter fourteen;
To civil rights, chapter eighteen;
To common and statute law of England, chapter twenty;
To contempts, chapter twenty-six;
To municipal corporations, chapter twenty-nine, division one;
To costs, chapter thirty;
To descents and distributions, chapter forty-nine;

To divorce, chapter fifty-two, and said court in the Indian Territory shall exercise the powers of the circuit courts of Arkansas under this chapter;

To dower, chapter fifty-two;
To evidence, chapter fifty-nine;
To execution, chapter sixty;
To fees, chapter sixty-three;
To forcible entry and detainer, chapter sixty-seven;
To frauds, statute of, chapter sixty-eight; 66 Fed. Rep. 843.
To fugitives from justice, chapter sixty-nine;
To gaming contracts, chapter seventy;

To guardians, curators, and wards, chapter seventy-three, and said court in the Indian Territory shall appoint guardians and curators;

To habeas corpus, chapter seventy-four;
To injunction, chapter eighty-one;

To insane persons and drunkards, chapter eighty-two, and said court in the Indian Territory shall exercise the powers of the probate courts of Arkansas under this chapter;

To joint and several obligations and contracts, chapter eighty-seven;
To judgments and decrees, chapter eighty-eight;
To judgments summary, chapter eighty-nine;
To jury, chapter ninety;
To landlord and tenant, chapter ninety-two;
To legal notices and advertisements, chapter ninety-four;
To liens, chapter ninety-six;
To limitations, chapter ninety-seven;
To mandamus and prohibition, chapter one hundred;
To marriage contracts, chapter one hundred and two;
To marriages, chapter one hundred and three; 60 Ark., 308.
To married women, chapter one hundred and four;
To money and interest, chapter one hundred and nine;
To mortgages, chapter one hundred and ten; 3 Feb., 1897, ch. 195, post, p. 84.

To notaries public, chapter one hundred and eleven, and said court in the Indian Territory shall appoint notaries public under this chapter;

To partition and sale of lands, chapter one hundred and fifteen;
To pleadings and practice, chapter one hundred and nineteen;
To recorders, chapter one hundred and twenty-six; 1 Mar., 1889, ch. 333, s. 6, ante, p. 40.
To replevin, chapter one hundred and twenty-eight;
To venue, change of, chapter one hundred and fifty-three;
And to wills and testaments, chapter one hundred and fifty-five;

And wherever in said laws of Arkansas the courts of record of said State are mentioned the said court in the Indian Territory shall be substituted therefor;

And wherever the clerks of said courts are mentioned in said laws the clerk of said court in the Indian Territory and his deputies, respectively, shall be substituted therefor;

And wherever the sheriff of the county is mentioned in said laws the United States marshal of the Indian Territory shall be substituted therefor, for the purpose, in each of the cases mentioned, of making said laws of Arkansas applicable to the Indian Territory.

Improvements on tribal lands not attachable.

That no attachment shall issue against improvements on real estate while the title to the land is vested in any Indian nation, except where such improvements have been made by persons, companies, or corporations operating coal or other mines, railroads, or other industries under lease or permission of law of an Indian national council, or charter, or law of the United States.

Executions on judgments in other courts than Indian invalid, etc.
1898, June 28, c. 517 post, p. 91.

That executions upon judgments obtained in any other than Indian courts shall not be valid for the sale or conveyance of title to improvements, made upon lands owned by an Indian nation, except in the cases wherein attachments are provided for.

Judgment against adopted citizens, etc.

Upon a return of nulla bona, upon an execution upon any judgment against an adopted citizen of any Indian tribe, or against any person residing in the Indian country and not a citizen thereof, if the judgment debtor shall be the owner of any improvements upon real estate within the Indian Territory in excess of one hundred and sixty acres occupied as a homestead, such improvements may be subjected to the payment of such judgment by a decree of the court in which such judgment was rendered. Proceedings to subject such property to the payment of judgments may be by petition, of which the judgment debtor shall have notice as in the original suit. If on the hearing the court shall be satisfied from the evidence that the judgment debtor is the owner of improvements on real estate, subject to the payment of said judgment, the court may order the same sold, and the proceeds, or so much thereof as may be necessary to satisfy said judgment and costs, applied to the payment of said judgment; or if the improvement is of sufficient rental value to discharge the judgment within a reasonable time the court may appoint a receiver, who shall take charge of such property and apply the rental receipts thereof to the payment of such judgment, under such regulations as the court may prescribe. If under such proceeding any improvement is sold only citizens of the tribe in which said property is situate may become the purchaser thereof.

Constitution and criminal laws of United States applicable.
R. S., 1891, 5128-5243, 5329-5391.

The Constitution of the United States and all general laws of the United States which prohibit crimes and misdemeanors in any place within the sole and exclusive jurisdiction of the United States, except in the District of Columbia, and all laws relating to national banking associations shall have the same force and effect in the Indian Territory as elsewhere in the United States;

Suits between Indians.
Repealed by 1898, June 28, c. 517, post, p. 100.
Punishment of Indians violating Indian laws.
R. S., 2146; 162 U. S., 499.
1889, Mar. 1, c. 333, s. 27, ante, p. 43.

But nothing in this act shall be so construed as to deprive any of the courts of the civilized nations of exclusive jurisdiction over all cases arising wherein members of said nations, whether by treaty, blood, or adoption, are the sole parties, nor so as to interfere with the right and power of said civilized nations to punish said members for violation of the statutes and laws enacted by their national councils where such laws are not contrary to the treaties and laws of the United States.

"County" to mean "judicial division."

SEC. 32. That the word "county," as used in any of the laws of Arkansas which are put in force in the Indian Territory by the provisions of this act, shall be construed to embrace the territory within the limits of a judicial division in said Indian Territory; and whenever in said laws of Arkansas the word "county" is used, the words "judicial division" may be substituted therefor, in said Indian Territory, for the purposes of this act.

"State" to mean "Territory," etc.

And whenever in said laws of Arkansas the word "State," or the words "State of Arkansas" are used, the word "Territory," or the words "Indian Territory," may be substituted therefor, for the purposes of this act, and for the purpose of making said laws of Arkansas applicable to the said Indian Territory;

Prosecutions in name of United States.

But all prosecutions therein shall run in the name of the "United States."

Arkansas criminal law made applicable.

SEC. 33. That the provisions of chapter forty-five of the said general laws of Arkansas, entitled "Criminal law," except as to the crimes and misdemeanor mentioned in the provisos to this section, and the provisions of chapter forty-six of said general laws of Arkansas, entitled "Criminal Procedure," as far as they are applicable, are hereby extended over and put in force in the Indian Territory, and jurisdiction to enforce said provisions is hereby conferred upon the United States court therein:

—unless conflicting with those of U. S.

Provided, That in all cases where the laws of the United States and the said criminal laws of Arkansas have provided for the punishment of the same offenses the laws of the United States shall govern as to such offenses:

Jurisdiction in criminal cases punishable by death or imprisonment at hard labor.

And provided further, That the United States circuit and district courts, respectively, for the western district of Arkansas and the eastern district of Texas, respectively, shall continue to exercise exclusive jurisdiction as now provided by law in the Indian Territory as defined in this act, in their respective districts as heretofore established, over all crimes and misdemeanors against the laws of the United States applicable to the said Territory, which are punishable by said laws of the United States by death or by imprisonment at hard labor, except as otherwise provided in the following sections of this act.

Original jurisdiction, protection, etc., of Indians.

R. S., 2118-2157.

SEC. 34. That original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of title twenty-eight, chapters three and four, of the Revised Statutes of the United States in said Territory, except the offenses defined and embraced in sections twenty-one hundred and forty-two and twenty-one hundred and forty-three:

Concurrent jurisdiction, liquor selling, etc.

R. S., 2139.

Provided, That as to the violations of the provisions of section twenty-one hundred and thirty-nine of said Revised Statutes, the jurisdiction of said court in the Indian Territory shall be concurrent with the jurisdiction exercised in the enforcement of such provisions by the United States courts for the western district of Arkansas and the eastern district of Texas:

Pending prosecutions.

Provided, That all violations of said chapters three and four, prior to the passage of this act, shall be prosecuted in the said United States courts, respectively, the same as if this act had not been passed.

Exclusive original jurisdiction.

R. S., 5392-5412.

1897, June 7, c. 3, post, p. 87.

SEC. 35. That exclusive original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of chapter four, title seventy, of the Revised Statutes of the United States entitled "Crimes against justice," in all cases where the crimes mentioned therein are committed in any judicial proceeding in the Indian Territory and where such crimes affect or impede the enforcement of the laws in the courts established in said Territory:

Pending prosecutions.

Provided, That all violations of the provisions of said chapter prior to the passage of this act shall be prosecuted in the United States courts for the western district of Arkansas and the eastern district of Texas, respectively, the same as if this act had not been passed.

Jurisdiction over controversies between Indians of different tribes.

SEC. 36. That jurisdiction is hereby conferred upon the United States court in the Indian Territory over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Indian Territory, and any citizen or member of one tribe or nation who may commit any offense or crime against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Indian Territory as he would be if both parties were citizens of the United States.

And any member or citizen of any Indian tribe or nation in the Indian Territory shall have the right to invoke the aid of said court therein for the protection of his person or property as against any person not a member of the same tribe or nation, as though he were a citizen of the United States.

Lotteries, etc., prohibited.
1890, Sept. 19, c. 908, 26 Stat. 465.

SEC. 37. That if any person shall, in the Indian Territory, open, carry on, promote, make or draw, publicly or privately, any lottery, or scheme of chance of any kind or description, by whatever name, style or title the same may be denominated or known, or shall, in said Territory, vend, sell, barter or dispose of any lottery ticket or tickets, order or orders, device or devices, of any kind, for, or representing any number of shares or any interest in any lottery or scheme of chance, or shall open or establish as owner or otherwise any lottery or scheme of chance in said Territory, or shall be in any wise concerned in any lottery or scheme of chance, by acting as owner or agent in said Territory, for or on behalf of any lottery or scheme of chance, to be drawn, paid or carried on, either out of or within said Territory,

—punishment.

Every such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined for the first offense, not exceeding five hundred dollars, and for the second offense shall, on conviction, be fined not less than five hundred dollars and not exceeding five thousand, and he may be imprisoned, in the discretion of the court, not exceeding one year.

—jurisdiction, to enforce.

And jurisdiction to enforce the provisions of this section is hereby conferred upon the United States court in said Indian Territory, and all persons therein, including Indians and members and citizens of Indian tribes and nations, shall be subject to its provisions and penalties.

Marriages by clerks of courts.
1897, March 3, c. 397, s. 9, 10, 24 Stat. 635.

SEC. 38. The clerk and deputy clerks of said United States court shall have the power within their respective divisions to issue marriage licenses or certificates and to solemnize marriages. They shall keep copies of all marriage licenses or certificates issued by them, and a record book in which shall be recorded all licenses or certificates after the marriage has been solemnized, and all persons authorized by law to solemnize marriages shall return the license or certificate, after executing the same, to the clerk or deputy clerk who issued it, together with his return thereon.

Clerks to be recorders of deeds.

They shall also be ex-officio recorders within their respective divisions, and as such they shall perform such duties as are required of recorders of deeds under the said laws of Arkansas, and receive the fees and compensation therefor which are provided in said laws of Arkansas for like service.

Tribal marriages valid, issue legitimate.

Provided, That all marriages heretofore contracted under the laws or tribal customs of any Indian nation now located in the Indian Territory are hereby declared valid, and the issue of such marriages shall be deemed legitimate and entitled to all inheritances of property or other rights, the same as in the case of the issue of other forms of lawful marriage:

—not to be governed by Arkansas laws.

Provided further, That said chapter one hundred and three of said laws of Arkansas shall not be construed so as to interfere with the operation of the laws governing marriage enacted by any of the civilized tribes, nor to confer any authority upon any officer of said court to unite a citizen of the United States in marriage with a member of any of the civilized nations until the preliminaries to such marriage shall have been first arranged according to the laws of the nation of which said Indian person is a member:

—to be recorded according to Indian laws.

And provided further, That where such marriage is required by law of an Indian nation to be of record, the certificate of such marriage shall be sent for record to the proper officer, as provided in such law enacted by the Indian nation.

United States commissioners, appointment and powers.
R. S., 627, 1014.

SEC. 39. That the United States court in the Indian Territory shall have all the powers of the United States circuit courts or circuit court judges to appoint commissioners within said Indian Territory, who shall be learned in the law, and shall be known as United States commissioners; but not exceeding three commissioners shall be appointed for any one division, and such commissioners when appointed shall have, within the district to be designated in the order appointing them, all the powers of commissioners of circuit courts of the United States.

—to be notaries, and may solemnize marriages.

They shall be ex officio notaries public, and shall have power to solemnize marriages.

—to be justices of the peace.

The provisions of chapter ninety-one of the said laws of Arkansas, regulating the jurisdiction and procedure before justices of the peace, are hereby extended over the Indian Territory;

—Jurisdiction.

And said commissioners shall exercise all the powers conferred by the laws of Arkansas upon justices of the peace within their districts; but they shall have no jurisdiction to try any cause where the value of the thing or the amount in controversy exceeds one hundred dollars.

—appeals from.

Appeals may be taken from the final judgment of said commissioners to the United States court in said Indian Territory in all cases and in the same manner that appeals may be taken from the final judgments of justices of the peace under the provisions of said chapter ninety-one.

Constables.

The said court may appoint a constable for each of the commissioner's districts designated by the court, and the constable so appointed shall perform all the duties required of constables under the provisions of chapter twenty-four and other laws of the State of Arkansas.

—and commissioners to give bonds and take oath.

Each commissioner and constable shall execute to the United States, for the security of the public, a good and sufficent bond, in the sum of five thousand dollars, to be approved by the judge appointing him, conditioned that he will faithfully discharge the duties of his office and account for all moneys coming into his hands, and he shall take an oath to support the Constitution of the United States and to faithfully perform the duties required of him.

Existing appointments of commissioners ratified.

The appointments of United States commissioners by said court held at Muskogee, in the Indian Territory, heretofore made, and all acts in pursuance of law and in good faith performed by them, are hereby ratified and validated.

Arrest, etc., for crimes and offenses.
1888, June 4, c. 343, 25 Stat., 167.

SEC. 40. That persons charged with any offense or crime in the Indian Territory and for whose arrest a warrant has been issued, may be arrested by the United States marshal or any of his deputies, wherever found in said Territory, but in all cases the accused shall be taken, for preliminary examination, before the commissioner in the judicial division whose office or place of business is nearest by the route usually traveled to the place where the offense or crime was committed; but this section shall apply only to crimes or offenses over which the courts located in the Indian Territory have jurisdiction:

Warrant for removal.
R. S., 1014.

Provided, That in all cases where persons have been brought before a United States commissioner in the Indian Territory for preliminary examination, charged with the commission of any crime therein, and where it appears from the evidence that a crime has been committed, and that there is probable cause to believe the accused guilty thereof, but that the crime is one over which the courts in the Indian Territory have no jurisdiction, the accused shall not, on that account, be discharged, but the case shall be proceeded with as provided in section ten hundred and fourteen of the Revised Statutes of the United States.

Extradition of fugitives from justice.
1888, June 4, c. 348, 25 Stat., 167.

SEC. 41. That the judge of the United States court in the Indian Territory shall have the same power to extradite persons who have taken refuge in the Indian Territory, charged with crimes in the States or other Territories of the United States, that may now be exercised by the governor of Arkansas in that State, and he may issue requisitions upon governors of States and other Territories for persons who have committed offenses in the Indian Territory, and who have taken refuge in such States or Territories.

Appeals from U. S. court.
1889, Mar. 2, c. 333, s. 6, ante, p. 40. 1891, Mar. 3, c. 517, s. 13, post, p. 58.

SEC. 42. That appeals and writs of error may be taken and prosecuted from the decisions of the United States court in the Indian Territory to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, except as otherwise provided in this act.

Naturalization of Indians.
R. S. 2165-2172.
1887, Feb. 8, c. 119, s. 6, ante, p. 35.
Superseded by act of 1901, Mar. 3, c. 868, post, p. 114.

SEC. 43. That any member of any Indian tribe or nation residing in the Indian Territory may apply to the United States court therein to become a citizen of the United States, and such court shall have jurisdiction thereof and shall hear and determine such application as provided in the statutes of the United States;

Certain Peoria Indians declared to be citizens.
1887, Feb. 8, c. 119, s. 5, ante, p. 35.

And the Confederated Peoria Indians residing in the Quapaw Indian Agency, who have heretofore or who may hereafter accept their land in severalty under any of the allotment laws of the United States, shall be deemed to be, and are hereby, declared to be citizens of the United States from and after the selection of their allotments, and entitled to all the rights, privileges, and benefits as such, and parents are hereby declared from that time to have been and to be the legal guardians of their minor children without process of court:

Indian rights not forfeited by citizenship.

Provided, That the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong.

SEC. 44. [*Makes appropriation.*] [*May 2, 1890.*]

Oct. 1, 1890.
26 Stat., 567.

CHAP. 1244.—An act to reduce the revenue and equalize duties on imports, and for other purposes.

Articles exempt from duty.
R. S. 2505.

Be it enacted, etc. * * * SEC. 2. On and after the sixth day of October, eighteen hundred and ninety, unless otherwise specially provided for in this act, the following articles when imported shall be exempt from duty:

* * * * * * *

[26 Stat., 608.]
Indian peltries, etc.
R. S. 2515.

674. Peltries and other usual goods and effects of Indians passing or repassing the boundary line of the United States, under such regulations as the Secretary of the Treasury may prescribe:

Provided, That this exemption shall not apply to goods in bales or other packages unusual among Indians. * * * [*October 1, 1890.*]

Oct. 1, 1890.
26 Stat., 655.

CHAP. 1268.—An act to provide for railroad crossings in the Indian Territory.

Indian Territory, railroads in, may cross, etc., other lines.
1896, Apr. 25, c. 141, post, p. 77.
1898, June 4, c. 378, post, p. 90.
1899, Mar. 2, c. 374, post, p. 102.

Be it enacted, &c., That every railroad corporation created and organized under the laws of the United States, or any of the States thereof, which may now or shall hereafter be authorized to construct and operate a railroad in the Indian Territory, shall have the right to cross, intersect, join, or unite its railroad with any other railroad now constructed or that may hereafter be constructed at any point upon its route and upon the grounds and right of way of such other railroad company, with the necessary turn-outs, sidings, and switches, telegraph and telephone lines, and other conveniences in furtherance of the objects of its construction; and every railroad company whose railroad is or shall be crossed, joined, or intersected by any other railroad shall unite with the owners and corporators of such other railroad in forming such crossing, intersection, and shall grant to such railroads so crossing, intersecting, or uniting all the necessary facilities for that purpose.

Companies to unite in making connection, etc.

Compensation in case of disagreement; how to be assessed.

SEC. 2. That if the two corporations or their management can not agree upon the amount of compensation to be made for the purposes set forth in the foregoing section, or the points or manner of such crossings, junctions, or intersections the corporation desiring to cross, intersect, join, or unite with the other railroads, may file its petition in the nearest United States court having jurisdiction of civil causes in said Territory, with a description and map of the place at which said crossing, intersection, or junction is desired, asking to have the damages for said right of way, crossing, intersection, or junction assessed, and upon the filing of such petition, in term time or vacation, the court or judge thereof in vacation shall forthwith appoint three disinterested citizens of the United States residing in said Territory as special commissioners to assess said damages, giving preference to those who may be agreed upon by the two parties.

Commissioners to qualify.

SEC. 3. That the said commissioners shall be sworn by the judge or any officer authorized by law to administer oaths to assess said damages fairly and impartially according to law.

—to notify and hear parties.

They shall appoint as early a day as practicable and a place as near as practicable to said point of crossing or junction for the hearing of the parties, and shall notify each of the parties in writing of the time and place so selected at least five days before the hearing, which notice may be served on any officer, agent, or attorney of said corporation or management of the railroad to be notified, and by any person competent to testify. If notice shall not be perfected at the time set the hearing may be postponed from time to time till service thereof shall be perfected.

—powers.

SEC. 4. That the said commissioners shall have power to compel the attendance of witnesses and the production of testimony, and to administer oaths.

Assessment of damages.

SEC. 5. That at the time and place appointed the commissioners shall meet and proceed to fully hear the parties interested and shall assess the actual damages, if any, sustained by reason of the crossing or junction sought; they shall reduce their decision to writing, stating therein the amount of damages, if any, awarded, the amount of costs, with each item thereof and against which party adjudged, and shall without delay file said statement, with all the papers connected with the case, in the office of the clerk of said court.

Upon paying award, company may cross, etc.

SEC. 6. That if the party seeking the crossing or junction shall pay to the other party, or deposit with the clerk of said court for the use of the other party the damages and costs so assessed and awarded against it, said party shall have the right upon said payment or deposit to enter upon the right of way of the other party and to cross, intersect, join, or unite its road with the other railroad in accordance with the award.

Appeal from commissioners' decision.

SEC. 7. That if either party be dissatisfied with the decision of the commissioners it may, within ten days from the filing thereof, file its exceptions thereto in writing, setting forth the particular cause or causes of objection, and thereupon the adverse party shall be summoned, and said cause shall be tried and determined as other causes in said court.

Right of accepting company to proceed, etc., not barred.

But nothing in this section shall be so construed as to deprive the railroad company seeking a crossing from accepting the report of the commissioners, and paying into the court the full amount of the award of damages made by the commissioners, and immediately thereafter to cross, intersect, join, or unite with the line of the opposing railway.

Decision, if not appealed, to be recorded and enforced.

If no exceptions are filed within said time the judge shall cause the said decision to be recorded in the minutes of his court, and shall make the same judgment of his court, and may issue the necessary process to enforce the same.

Compensation of commissioners.

SEC. 8. That commissioners shall be entitled to receive for their services five dollars each for every day they are engaged in the performance of their duties, which they shall include in their statement of costs and which shall be paid as such.

Supplying vacancies.

If the commissioners or any of them shall be unable or for any cause fail to act the court or judge shall appoint a commissioner or commissioners to supply the place or places of those failing to act.

Costs; how to be determined.

SEC. 9. That the costs of the proceedings before the commissioners and in the court shall be determined as follows, to wit: If the commissioners shall award greater damages than the said company offered to pay before the proceedings commenced, or if exceptions are filed to the decision of the commissioners as herein provided for, and the judgment of the court is for a greater sum than the amount awarded by the commissioners, then the said company shall pay all costs; but if the amount awarded by said commissioners as damages, or if the judgment of the court shall be for the same or less amount of damages than the amount offered by the company before proceedings were commenced, then the cost shall be paid by the other company.

Trains to stop at all intersections, etc.

SEC. 10. That every railroad company operating a railroad in the Indian Territory shall cause all passenger and freight trains running on its road to stop at all points on its road where another railroad crosses, joins, unites, or intersects, and take and receive on said trains all passengers and all freights and mail offered at that point, and shall carry the same, and shall also discharge at said point all passengers desiring to stop there and all freight and mails consigned to said point.

Discriminations forbidden.

And no railroad company shall in any wise discriminate against passengers or freight transported or conveyed by any intersecting railroad company.

Penalty for violations.

SEC. 11. That any railroad company violating any of the provisions of the preceding section shall forfeit and pay to the company or individual injured thereby double the amount of damages which said company or individual may have sustained, to be recovered in any court of competent jurisdiction. [*October 1, 1890.*]

ACTS OF FIFTY-FIRST CONGRESS—SECOND SESSION, 1891.

Feb. 28, 1891.

26 Stat., 794.

CHAP. 383.—An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes."

Allotment of one-eighth section of land in severalty to each Indian on reservation.
Substitute for
1887, Feb. 8, c. 119, s. 1, ante, p. 33.
R. S., 2119.
1875, Mar. 3, c. 131, s. 15, ante, p. 23.
1884, July 4, c. 180, ante, p. 31.
1888, Oct. 19, c. 1214, s. 2, ante, p. 38.
1893, Mar. 3, c. 209, post, p. 66.
1896, Jan. 28, c. 50, post, p. 70.

Be it enacted, &c., That section one of the act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, be, and the same is hereby, amended so as to read as follows:

"SEC. 1. That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an Act of Congress, or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such

Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon one-eighth of a section of land:

—pro rata, if lands insufficient.

Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual in quantity as above provided the land in such reservation or reservations shall be allotted to each individual pro rata, as near as may be, according to legal subdivisions:

—by treaty or act not reduced.

1887, Feb. 8, c. 119, note *, ante, p. 33.

Provided further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided the President, in making allotments upon such reservation, shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided:

—under existing agreements or laws in accordance with former act may be made as herein provided if Indians consent.

Provided further, That where existing agreements or laws provide for allotments in accordance with the provisions of said act of February eighth, eighteen hundred and eighty-seven, or in quantities substantially as therein provided, allotments may be made in quantity as specified in this act, with the consent of the Indians, expressed in such manner as the President, in his discretion, may require:

Double allotments of lands fit for grazing only.

And provided further, That when the lands allotted, or any legal subdivision thereof, are only valuable for grazing purposes, such lands shall be allotted in double quantities."

Existing allotments in certain cases to be augmented.

SEC. 2. That where allotments have been made in whole or in part upon any reservation under the provisions of said act of February eighth, eighteen hundred and eighty-seven, and the quantity of land in such reservation is sufficient to give each member of the tribe eighty acres, such allotments shall be revised and equalized under the provisions of this act:

No existing approved allotment to be reduced.

Provided, That no allotment heretofore approved by the Secretary of the Interior shall be reduced in quantity.

Leases of allotments permitted if allottee disabled from occupancy.

1896, June 10, c. 398, post, p. 81.

45 Pac. Rep., 848.

SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing, or ten years for mining purposes:

Leases of lands occupied by Indian purchasers permitted.

Provided, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the Council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

Indians entitled to allotment may make selection of public lands for allotment.

SEC. 4. That where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her and to his or her children, in quantities and manner as provided in the foregoing section of this amending act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions provided in the act to which this is an amendment.

Fees to be paid from the Treasury.

And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

Determination of descent.
1887, Feb. 8, c. 119, s. 5, ante, p. 34.

SEC. 5. That for the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of the fifth section of said act, whenever any male and female Indian shall have co-habited together as husband and wife according to the custom and manner of Indian life the issue of such co-habitation shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of the Indians so living together, and every Indian child, otherwise illegitimate, shall for such purpose be taken and deemed to be the legitimate issue of the father of such child:

"Cherokee Outlet" lands excepted.
1890, May 2, c. 182, s. 1, ante, p. 45.

Provided, That the provisions of this act shall not be held or construed as to apply to the lands commonly called and known as the "Cherokee Outlet":

Certain Sauk and Foxes excepted.

And provided further, That no allotment of lands shall be made or annuities of money paid to any of the Sac and Fox of the Missouri Indians who were not enrolled as members of said tribe on January first, eighteen hundred and ninety; but this shall not be held to impair or otherwise affect the rights or equities of any person whose claim to membership in said tribe is now pending and being investigated. [*February 28, 1891.*]

Mar. 3, 1891.
26 Stat., 826.

CHAP. 517.—An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes.

Circuit court of appeals; jurisdiction.

Be it enacted, etc., * * * SEC. 2. That there is hereby created in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record with appellate jurisdiction, as is hereafter limited and established.

* * * * * * *

[26 Stat., 829.]
Appeals, etc., from Indian Territory court.
1889, Mar. 1, c. 333, ante, p. 29.
1890, May 2, c. 182, s. 29, 30, ante, pp. 47, 48.
1895, Mar. 1, c. 145, post p. 70.
1898, Feb. 8, c. 14, post p. 77.

SEC. 13. Appeals and writs of error may be taken and prosecuted from the decisions of the United States court in the Indian Territory to the Supreme Court of the United States, or to the circuit court of appeals in the eighth circuit, in the same manner and under the same regulations as from the circuit or district courts of the United States, under this act. * * * [*March 3, 1891.*]

Mar. 3, 1891.
26 Stat., 851.

CHAP. 538.—An act to provide for the adjudication and payment of claims arising from Indian depredations.

Indian depredation claims.
Court of Claims authorized to adjudicate—

Be it enacted, &c., That in addition to the jurisdiction which now is, or may hereafter be, conferred upon the Court of Claims, said Court shall have and possess jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims of the following classes, namely:

—claims for property taken by Indians in amity.
Rev. Stat., 2156.
161 U. S., 281, 297; 160 U. S., 546.

First. All claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation, in amity with the United States, without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for.

—claims examined and allowed.

Second. Such jurisdiction shall also extend to all cases which have been [a] examined and allowed by the Interior Department.

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[a] See note [a], post p. 61.

—claims heretofore authorized to be examined under certain acts.
164 U. S., 686. 173 U. S., 77, 79.

And also to such cases as were authorized to be examined under the act of Congress making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes, approved March third, eighteen hundred and eighty-five, and under subsequent acts, subject however to the limitations hereinafter provided.[b]

Offsets and counter claims.

Third. All just offsets and counter claims to any claim of either of the preceding classes which may be before such court for determination.

Limitations waived.

SEC. 2. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Secretary of the Interior or other officer or department of the Government:

No claims to be considered accruing before July 1, 1865, unless heretofore presented, with evidence.
Rev. Stat., 445, 466, 2156.

Provided, That no claim accruing prior to July first, eighteen hundred and sixty-five, shall be considered by the court unless the claim shall be allowed or has been or is pending, prior to the passage of this act, before the Secretary of the Interior or the Congress of the United States, or before any superintendent, agent, sub-agent or commissioner, authorized under any act of Congress to enquire into such claims; but no case shall be considered pending unless evidence has been presented therein:

Petitions to be presented within three years.

And provided further, That all claims existing at the time of the taking effect of this act shall be presented to the court by petition, as hereinafter provided, within three years after the passage hereof, or shall be thereafter forever barred:

Future depredations not included.

And provided further, That no suit or proceeding shall be allowed under this act for any depredation which shall be committed after the passage thereof.

Petition, what to contain.
Rev. Stat., 1072.

SEC. 3. That all claims shall be presented to the court by petition setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, the persons, classes of persons, tribe or tribes, or band of Indians by whom the alleged illegal acts were committed, as near as may be, the property lost or destroyed, and the value thereof, and any other facts connected with the transactions and material to the proper adjudication of the case involved. The petition shall be verified by the affidavit of the claimant, his agent, administrator, or attorney, and shall be filed with the clerk of said court. It shall set forth the full name and residence of the claimant, the damages sought to be recovered, praying the court for a judgment upon the facts and the law.

Service of petition upon Attorney-General, who shall defend the Government and Indians.
Pleadings to be filed by Attorney-General within sixty days.

SEC. 4. The service of the petition shall be made upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court. It shall be the duty of the Attorney-General of the United States to appear and defend the interests of the Government and of the Indians in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer or demurrer on the part of the Government and the Indians, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government or of the Indians in the premises:

On failure of Attorney-General to plead, claimant may proceed, but no judgment without proof.

Provided, That should the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required, the claimant may proceed with the case under such rules as the court may adopt in the premises; but the claimant shall not have judgment for his claim, or for any part thereof, unless he shall establish the same by proof satisfactory to the court;

Indians may employ special attorney.

Provided, That any Indian or Indians interested in the proceedings may appear and defend, by an attorney employed by such Indian or Indians with the approval of the Commissioner of Indian Affairs, if he or they shall choose so to do.

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[b] See note *b*, post p. 61.

Papers on file may be read as evidence.
173 U. S., 79.
35 C. Cls. 26.

In considering the merits of claims presented to the court, any testimony, affidavits, reports of special agents or other officers, and such other papers as are now on file in the departments or in the courts, relating to any such claims, shall be considered by the court as competent evidence and such weight given thereto as in its judgment is right and proper:

Certain allowed claims to have priority.

Provided, That all unpaid claims which have heretofore been examined, approved, and allowed by the Secretary of the Interior, or under his direction, in pursuance of the act of Congress making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes, approved March third, eighteen hundred and eighty-five, and subsequent Indian appropriation acts, shall have priority of consideration by such court.

Judgments for amounts found due unless either party reopens.

And judgments for the amounts therein found due shall be rendered, unless either the claimant or the United States shall elect to re-open the case and try the same before the court, in which event the testimony in the case given by the witnesses and the documentary evidence, including reports of Department agents therein, may be read as depositions and proofs:

Burden of proof, if case reopened.

Provided, That the party electing to re-open the case shall assume the burden of proof.

Rules for taking testimony to be made by court.
Rev. Stat., 1075-1085.

SEC. 5. That the said court shall make rules and regulations for taking testimony in the causes herein provided for, by deposition or otherwise, and such testimony shall be taken in the county where the witness resides, when the same can be conveniently done,

Parties made competent.
1887, Mar. 2, c. 359, s. 8, 24 Stat. 505.

And no person shall be excluded as a witness because he is party to or interested in said suit, and any claimant or party in interest may be examined as a witness on the part of the Government;

Judgment to be rendered against the United States and Indians.

That the court shall determine in each case the value of the property taken or destroyed at the time and place of the loss or destruction, and, if possible, the tribe of Indians or other persons by whom the wrong was committed, and shall render judgment in favor of the claimant or claimants against the United States, and against the tribe of Indians committing the wrong, when such can be identified.

Judgment to be charged against tribe.

Payment made, from what funds.

SEC. 6. That the amount of any judgment so rendered against any tribe of Indians shall be charged against the tribe by which, or by members of which, the court shall find that the depredation was committed, and shall be deducted and paid in the following manner:

First, from annuities due said tribe from the United States;

Second, if no annuities are due or available, then from any other funds due said tribe from the United States, arising from the sale of their lands or otherwise;

Third, if no such funds are due or available, then from any appropriation for the benefit of said tribe, other than appropriations for their current and necessary support, subsistence and education;

And, fourth, if no such annuity, fund, or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States:

Payments from Treasury to remain a charge against Indians.

Provided, That any amount so paid from the Treasury of the United States shall remain a charge against such tribe, and shall be deducted from any annuity, fund or appropriation hereinbefore designated which may hereafter become due from the United States to such tribe.

Judgments final.
Rev. Stat. 1092, 1093.

SEC. 7. That all judgments of said court shall be a final determination of the causes decided and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new trial or rehearing shall be granted by said court, or the judgment reversed or modified upon appeal as hereafter provided.

List of judgments to be sent to Congress.

SEC. 8. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the

Congress of the United States a list of all final judgments rendered in pursuance of this act, in favor of claimants and against the United States, and not paid as hereinbefore provided, which shall thereupon be appropriated for in the proper appropriation bill.

Sales and attorneys' contracts declared void.

SEC. 9. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decedent's estates, and all contracts heretofore made for fees and allowances to claimants' attorneys are hereby declared void,

Warrants for judgments to be payable and delivered to claimants, except amount allowed attorneys.

And all warrants issued by the Secretary of the Treasury, in payment of such judgments, shall be made payable and delivered only to the claimant or his lawful heirs, executors or administrators or transferee under administrative proceedings, except so much thereof as shall be allowed the claimant's attorneys by the court for prosecuting said claim, which may be paid direct to such attorneys, and the allowances to the claimant's attorneys shall be regulated and fixed by the court at the time of rendering judgment in each case and entered of record as part of the findings thereof;

Maximum allowance to attorneys.

But in no case shall the allowance exceed fifteen per cent. of the judgment recovered, except in case of claims of less amount than five hundred dollars, or where unusual services have been rendered or expenses incurred by the claimant's attorney, in which case not to exceed twenty per cent. of such judgment shall be allowed by the court.

Appeal.
R. S., 707, 708.

SEC. 10. That the claimant, or the United States, or the tribe of Indians, or other party thereto interested in any proceeding brought under the provisions of this act, shall have the same rights of appeal as are or may be reserved in the Statutes of the United States in other cases, and upon the conditions and limitations therein contained. The mode of procedure in claiming and perfecting an appeal shall conform, in all respects, as near as may be, to the statutes and rules of court governing appeals in other cases.

Papers, etc., in Departments and before Congress to be furnished the court.
R. S., 1076.

SEC. 11. That all papers, reports, evidence, records and proceedings now on file or of record in any of the departments, or the office of the Secretary of the Senate, or the office of the Clerk of the House of Representatives, or certified copies of the same, relating to any claims authorized to be prosecuted under this act, shall be furnished to the court upon its order, or at the request of the Attorney-General.

Additional Assistant Attorney-General to be appointed.
R. S., 348.

SEC. 12. To facilitate the speedy disposition of the cases herein provided for, in said Court of Claims, there shall be appointed, in the manner prescribed by law for the appointment of Assistant Attorney-Generals, one additional Assistant Attorney-General of the United States, who shall receive a salary of twenty-five hundred dollars per annum.

Investigation under acts heretofore in force to cease.

SEC. 13. That the investigation and examinations, under the provisions of the acts of Congress heretofore in force, of Indian depredation claims, shall cease upon the taking effect of this act, and the unexpended balance of the appropriation therefor shall be covered into the Treasury, except so much thereof as may be necessary for disposing of the unfinished business pertaining to the claims now under investigation in the Interior Department, pending the transfer of said claims and business to the Court or courts herein provided for, and for making such transfers and a record of the same, and for the proper care and custody of the papers and records relating thereto. [*March 3, 1891.*]

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[a] See Revised Statutes, 445, 446, 2098, 2156, 2157, and the acts cited in the following note.

[b] The provision referred to in the act of 1885, March 3, chapter 341 (23 Stat., 376), is as follows:

Indian depredations. Secretary of Interior to make list of claims pending and report to Congress.

"Indian depredation claims. For the investigation of certain Indian depredation claims, ten thousand dollars, and in expending said sum the Secretary of the Interior shall cause a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part and now remain unpaid, and also

Mar. 8, 1892.
27 Stat., 5.

CHAP. 12.—An act making appropriations to supply a deficiency in the appropriation for the expenses of the Eleventh Census, and for other purposes.

Indian Bureau employees to be reported.
R. S., 468.
1892, July 13, c. 164, s. 9, post, p. 63.

Be it enacted, &c., * * * That hereafter the Commissioner of Indian Affairs shall include in his annual report to Congress the names of all employees under the supervision and direction of the Indian Bureau, under what law said employees are appointed, the amount of compensation paid to each, and the services rendered by them. * * * [*March 8, 1892.*]

May 3, 1892.
27 Stat., 24.

CHAP. 59.—An act to create a third division of the district of Kansas for judicial purposes, and to fix the time for holding court therein.

Kansas.
Third judicial division.
R. S., 531.
1890, June 9, c. 463, 20 Stat. 129.

Be it enacted, &c., That the counties of * * * shall constitute the third division of the judicial district of Kansas,

Terms at Fort Scott.

and a term of the circuit and district courts for said district shall be held therein at the city of Fort Scott, on the first Monday of May and the first Monday of November of each year. * * *

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all such claims as are pending but not yet examined, on behalf of citizens of the United States on account of depredations committed, chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants, the date of the alleged depredations, by what tribe committed, the date of examination and approval, with a reference to the date and clause of the treaty creating the obligation for payment, to be made and presented to Congress at its next regular session;

—to investigate claims.

"And the Secretary is authorized and empowered, before making such report, to cause such additional investigation to be made and such further testimony to be taken as he may deem necessary to enable him to determine the kind and value of all property damaged or destroyed by reason of the depredations aforesaid, and by what tribe such depredations were committed; and his report shall include his determination upon each claim, together with the names and residences of witnesses and the testimony of each, and also what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid."

Subsequent Indian appropriation acts contain the following provisions:

1886, May 15, chapter 333 (24 Stat., 44):

Investigation continued.

"Indian depredation claims: For continuing the investigation and examination of certain Indian depredation claims originally authorized, and in the manner therein provided for, by the Indian appropriation act approved March third, eighteen hundred and eighty-five, twenty thousand dollars;

—to include claims, if any, barred.

"And the examination and report shall include claims, if any, barred by statute, such fact to be stated in the report;

Report to Congress.

"And all claims whose examinations shall be completed by January first, eighteen hundred and eighty-seven, shall then be reported to Congress, with the opinions and conclusions of the Commissioner of Indian Affairs and the Secretary of the Interior upon all material facts, and all the evidence and papers pertaining thereto."

1887, March 2, chapter 320 (24 Stat., 464):

Investigation continued.

"Indian depredation claims: For continuing the investigation and examination of certain Indian depredation claims originally authorized, and in the manner therein provided for, by the Indian appropriation act approved March third, eighteen hundred and eighty-five, twenty-thousand dollars;

—to include claims, if any, barred.

Report to Congress.

"And the examination and report shall include claims, if any, barred by statute, such fact to be stated in the report;

"And all claims whose examination shall be completed by January first, eighteen hundred and eighty-eight, shall then be reported to Congress, with the opinions and conclusions of the Commissioner of Indian Affairs and the Secretary of the Interior upon all material facts, and all the evidence and papers pertaining thereto."

1888, June 29, chapter 503 (25 Stat., 234):

Investigation continued.

"For continuing the investigation and examination of certain Indian depredation claims, originally authorized, and in the manner therein provided for, by the Indian appropriation acts approved March third, eighteen hundred and eighty-five, and March second, eighteen hundred and eighty-seven, twenty thousand dollars."

This is repeated in the same words by 1889, March 2, chapter 412 (25 Stat., 998); 1890, August 19, chapter 807 (26 Stat., 356); and 1891, March 3, chapter 543 (26 Stat., 1009).

Crimes, where prosecuted.

SEC. 3. That all crimes and offenses against the laws of the United States hereafter committed within the counties comprising the third division of said district,

—committed on Quapaw Indian Agency.
1883, Jan. 6, c. 13 (1 Supp. R. S., 380).

and all crimes and offenses against said laws known and defined as infamous hereafter committed within the limits of the Quapaw Indian Agency, in the Indian Territory, and of which the courts in Kansas have heretofore had jurisdiction, shall be prosecuted, tried, and determined at the terms of the district court hereinbefore provided for:

Pending prosecutions.

Provided, That all such crimes and offenses heretofore committed within said district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed. * * * [*May 3, 1892.*]

July 13, 1892.
27 Stat., 120.

CHAP. 164.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June thirtieth, eighteen hundred and ninety-three, and for other purposes.

[27 Stat., 139.]
Indian depredation claims.
Pay of Assistant Attorney-General.
R. S., 348.
1891, Mar. 3, c. 538; S. 12, ante, p. 61.

Be it enacted, &c., * * * For increase of compensation to the Assistant Attorney-General in charge of Indian depredation claims, to make his compensation the same as that allowed by law to the other assistant Attorneys-General in the Department of Justice, two thousand five hundred dollars, or so much thereof as may be necessary. * * *

[27 Stat., 143.]
Rules to secure attendance.

That hereafter the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is hereby authorized and directed to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit. * * *

[27 Stat., 149.]
Commutation of rations to civilized Indians.

SEC. 8. That when in the judgment of the Secretary of the Interior any Indian tribe, or part thereof, who are receiving rations and clothing under this act, are sufficiently advanced in civilization to purchase such rations and clothing judiciously, they may commute the same and pay the value thereof in money per capita to such tribe or part thereof, the manner of such payment to be prescribed by the Secretary of the Interior. [*Remainder of section relates to Santee Sioux of Nebraska and South Dakota.*]

Report of all employees annually.

SEC. 9. The Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole out of the appropriations in this act; giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid. Also number of employees in his office here in Washington; when employed, in what capacity employed, male or female, full name, amount of compensation paid, and out of what fund paid, and under what law employed. [*July 13, 1892.*]

July 23, 1892.
27 Stat., 260.

CHAP. 234.—An act to amend sections twenty-one hundred and thirty-nine, twenty-one hundred and forty, and twenty-one hundred and forty-one [a] of the Revised Statutes touching the sale of intoxicants in the Indian country, and for other purposes.

Indian country. Intoxicating liquors not to be introduced.
Substitute for R. S. 2139.

Be it enacted, &c., That section twenty-one hundred and thirty-nine of the Revised Statutes be amended and re-enacted so as to read as follows:

1897, Jan. 30, c. 109, post, p. 83.

"SEC. 2139. No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced, under any pretense, into the Indian country.

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[a] This act amends only Revised Statutes 2139, not 2140, 2141. See 1884, July 4, chapter 180, ante, page 31. As to jurisdiction of courts in Indian Territory, see 1889, March 1, chapter 333, ante, page 39.

Punishment for violation.

Every person who sells, exchanges, gives, barters, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian under charge of any Indian superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, wine, beer, or intoxicating liquor of any kind into the Indian country shall be punished by imprisonment for not more than two years, and by fine of not more than three hundred dollars for each offense.

Authority from War Department a defense.

But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority in writing from the War Department, or any officer duly authorized thereunto by the War Department.

Complaints, where and how made.

All complaints for the arrest of any person or persons made for violation of any of the provisions of this act shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation, and, if in the Indian Territory, before the United States court commissioner, or commissioner of the circuit court of the United States residing nearest the place where the offense was committed, who is not for any reason disqualified; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section ten hundred and fourteen of the Revised Statutes of the United States.

R. S., 1014.

Trial.

And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense." [*July 23, 1892.*]

July 26, 1892.

27 Stat., 272.

CHAP. 255.—An act in relation to the execution of declarations and other papers in pension claims.

Be it enacted, &c., * * *

Pension declarations before agent.

SEC. 2. That * * * declarations in claims of Indians may be made before a United States Indian agent. * * * [*July 26, 1892.*]

July 26, 1892.

27 Stat., 272.

CHAP. 256.—An act to legalize the deed and other records[a] of the Office of Indian Affairs, and to provide and authorize the use of a seal by said office.

Indian Office, recording of deeds, etc., legalized.

R. S., 463.

Be it enacted, &c., That the recording of all deeds and papers heretofore made and done in the office of Commissioner of Indian Affairs be, and is hereby, confirmed, approved, and legalized; and said record heretofore made shall be deemed, taken, and held to be good and valid and shall have all the force and effect and be entitled to the same credit as if it had been made in pursuance of and in conformity to law.

—but not to affect validity, etc.

But shall have no effect whatever upon the validity or invalidity of the deed or paper so recorded, and shall be no evidence of constructive notice to any persons not actually knowing the contents.

What records legalized by above act.

[a] The deed records legalized by this act begin in 1825. These deeds show the transfer of lands granted to individual Indians under the several treaties since 1817 whenever a restriction was made that the lands should not be sold without the consent of the President; also the transfer of those lands allotted to individual Indians, the patent for which contained a similar restrictive clause upon the sale of the land.

The other records referred to are those of the current correspondence of the office, of treaties before ratification, of contracts made with special attorneys (Rev. Stat., 2103-2106), and of similar papers.

Some of these records run back to 1800 and a few even prior to that date, when the office was under the War Department, but it was not until the year 1824 that a regular record of all the correspondence of the office was inaugurated and kept up.

Records to be kept of all deeds by Indians requiring approval.

SEC. 2. That the Commissioner of Indian Affairs is hereby empowered and directed to continue to make and keep a record of every deed executed by any Indian, his heirs, representatives, or assigns, which may require the approval of the President of the United States or of the Secretary of the Interior, whenever such approval shall have been given, and the deed so approved returned to said office.

Seal—copies, how certified. R. S., 882.

SEC. 3. That the Commissioner of Indian Affairs shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve, and copies of any public documents, records, books, maps, or papers belonging to or on the files of said office, authenticated by the seal and certified by the Commissioner thereof, or by such officer as may, for the time being, be acting as or for such Commissioner, shall be evidence equally with the originals thereof.

Certified copies of records to be furnished—fees.

SEC. 4. That the Commissioner of Indian Affairs shall have the custody of said seal, and shall furnish certified copies of any such records, books, maps, or papers belonging to or on the files of said office, to any person applying therefor who shall comply with the requirements of said office, upon the payment by such parties at the rate of ten cents per hundred words, and one dollar for copies of maps or plats, and the additional sum of twenty-five cents for the Commissioner's certificate of verification, with the seal of said office;

Receiving clerk—bond, etc.

and one of the employés of said office shall be designated by the Commissioner as the receiving clerk, who shall give bond in the sum of one thousand dollars,

Fees to be paid into Treasury.
—none for copies for official use,

and the amounts so received shall, under the direction of the Commissioner, be paid into the Treasury of the United States; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government

—or for poor Indians,

or by any Indian who shall satisfy the Commissioner by satisfactory legal evidence that he or she is not able, by reason of poverty, to pay such fees,

—or for unverified copies.

nor for such unverified copies as the Commissioner in his discretion may deem proper to furnish. [*July 26, 1892.*]

ACTS OF FIFTY-SECOND CONGRESS—SECOND SESSION, 1893.

Mar. 3, 1893.

27 Stat., 612.

CHAP. 209.—An act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June thirtieth, eighteen hundred and ninety-four.

[27 Stat., 614.]
Cherokee, N. C., Training School, superintendent to act as agent.

Be it enacted, &c., * * * The superintendent of the Indian Training School at Cherokee, North Carolina, shall, in addition to his duties as superintendent, perform the duties heretofore required of the agent at said Cherokee Agency, and receive in addition to his salary as superintendent two hundred dollars per annum, and shall give bond as other Indian agents, and that the office of agent be, and the same is hereby abolished at that place; * * *

Agent abolished.

[27 Stat., 628.]
Rations, etc., not to be issued on account of children who do not attend school.

The Secretary of the Interior may in his discretion, establish such regulations as will prevent the issuing of rations or the furnishing of subsistence either in money or in kind to the head of any Indian family for or on account of any Indian child or children between the ages of eight and twenty-one years who shall not have attended school during the preceding year in accordance with such regulations.

—except when, etc.
1891, Mar. 3, c. 543, ante, p. 26, Stat. 989.
1892, July 13, c. 164, ante, p. 63.

This provision shall not apply to reservations or part of reservations where sufficient school facilities have not been furnished nor until full notice of such regulations shall have been given to the Indians to be affected thereby.

Subsistence withheld to be credited to tribe.

The amount and value of subsistence so withheld shall be credited to the tribe or tribes from whom the same is withheld, to be issued and paid when in the judgment of the Secretary of the Interior they shall have fully complied with such regulations. * * *

[27 Stat., 631.]
Costs of legal contests by or against Indians to be paid.
1875, Mar. 3, ante, p. 23.
1884, July 4, ante, p. 31.
1887, Feb. 8, ante, p. 33.
1891, Feb. 28, ante, p. 57.

To enable the Secretary of the Interior, in his discretion, to pay the legal costs incurred by Indians in contests initiated by or against them, to any entry, filing, or other claims, under the laws of Congress relating to public lands, for any sufficient cause affecting the legality or validity of the entry, filing or claim, five thousand dollars:

Provided, That the fees to be paid by and on behalf of the Indian party in any case shall be one-half of the fees provided by law in such cases, and said fees shall be paid by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, on an account stated by the proper land officers through the Commissioner of the General Land Office.

District attorneys to represent Indians.

In all States and Territories where there are reservations or allotted Indians the United States District Attorney shall represent them in all suits at law and in equity. * * *

[27 Stat., 632.]
Transportation, etc., Indians to be engaged.
R. S., 2069.
1882, May 17, c. 163, s. 6, ante, p. 29.

Transportation of Indian supplies: * * * *Provided*, that Indians shall be employed in the transportation of supplies and in other work connected with the Indian service wherever practicable. * * *

[27 Stat., 635.]
Rations, etc., may be withheld for non-attendance at school.
See ante, p. 63.

Hereafter the Secretary of the Interior may in his discretion withhold rations, clothing and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year. * * * [*March 3, 1893.*]

ACTS OF FIFTY-THIRD CONGRESS—SECOND SESSION, 1893.

Dec. 21, 1893.
28 Stat., 16.

CHAP. 3.—An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, and for other purposes.

[28 Stat., 19.]
Assistant attorney-general in Indian depredation claims. Salary increased.

Be it enacted, &c., * * * For the deficiency in the compensation of the assistant attorney-general[a] charged with the defense of Indian depredation claims, which compensation shall hereafter be the same as that of the other assistant attorneys-general in the Department of Justice, two thousand five hundred dollars, or so much thereof as may be necessary. * * * [*December 21, 1893.*]

Aug. 8, 1894.
28 Stat., 263.

CHAP. 236.—An Act To require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

Territories.
Railroads on rights of way to have stations at town sites.

Be it enacted, &c., That all railroad companies operating railroads through the Territories of the United States over a right of way obtained under any grant or Act of Congress giving to said railroad companies the right of way over the public lands of the United States shall be required to establish and maintain passenger stations and freight depots at or within one-fourth of a mile of the boundary limits of all town sites already established in said Territories on the line of said railroads by authority of the Interior Department.

Stations to be established in three months.

SEC. 2. That said railroad companies are hereby required within three months from the passage of this Act to establish at or within one-fourth of a mile of the boundary limits of all town sites provided for in the preceding section, passenger stations, freight depots, and other accommodations necessary for receiving and discharging passengers and freight at such points;

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[a] This office was created by 1891, March 3, chapter 538, section 12 ante, page 61, with an annual salary of $2,500; the salary was increased for the year ending June 30, 1892, to $5,000 by 1892, July 13, chapter 164, ante, page 63, and by the above provision the increase is made permanent. The salary of assistant attorneys-general is fixed by Revised Statutes, 348, at $5,000.

Penalty for failure.

and upon failure of said companies to establish such stations and depots within said time said companies shall be liable to a fine of five hundred dollars for each day thereafter until said stations and depots shall be established,

—how recovered.

which shall be recovered in a suit brought by the United States in the United States courts in any Territory through which said railroads may pass. [*August 8, 1894.*]

Aug. 15, 1894.

28 Stat., 286.

CHAP. 290.—An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

Indian affairs.

Superintendents of schools may act as agents.

Be it enacted, &c., * * * That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency, whenever in his judgment such superintendent can properly perform the duties of such agency.

—to give bond.
R. S., 2075. 1875, Mar. 3, c. 132, s. 10, ante, p. 25.

And the superintendent upon whom such duties devolve shall give bond as other Indian agents;[a] * * *

Salaries of agents fixed.

Hereafter the annual salaries of the several Indian agents shall be as provided for in this Act.[b] * * *

[28 Stat., 298.]
Employees not to be paid for interpreting.

For the payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, * * * dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting.[a] * * *

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[a] This provision, without the last sentence as to bond, is repeated from the previous appropriation act, 1893, March 3, ch. 209.

Pay of Indian agents.

[b] A provision has been repeated annually in the Indian appropriation acts, since 1884, repealing all laws fixing compensation of Indian agents in excess of the amount provided in the particular act.

This paragraph now seems intended to take the place of the recurrent annual provisions and to fix the salaries on a permanent basis. The salaries so fixed in this act are as follows:

Blackfeet Agency, Montana, $1,800.
Cherokee School, North Carolina: Additional compensation to superintendent of said school for performing the duties heretofore required of the agency at the Cherokee Agency, $200.
Cheyenne and Arapaho Agency, Oklahoma Territory, $1,800.
Cheyenne River Agency, South Dakota, $1,700.
Colorado River Agency, Arizona, $1,500.
Colville Agency, Washington, $1,500.
Crow Creek and Lower Brule Agency, South Dakota, $1,800.
Crow Agency, Montana, $1,800.
Devils Lake Agency, North Dakota, $1,200.
Flathead Agency, Montana, $1,500.
Fort Belknap Agency, Montana, $1,500.
Fort Berthold Agency, South Dakota, $1,500.
Fort Hall Agency, Idaho, $1,500.
Fort Peck Agency, Montana, $1,800.
Grand Ronde Agency, Oregon, $1,200.
Green Bay Agency, Wisconsin, $1,800.
Hoopa Valley Agency, California, $1,200.
Kiowa Agency, Oklahoma Territory, $1,800.
Klamath Agency, Oregon, $1,200.
La Pointe Agency, Wisconsin, $1,800.
Lemhi Agency, Idaho, $1,200.
Mescalero Agency, New Mexico, $1,600.
Mission Tule River Agency, California, $1,600.
Navajo Agency, New Mexico, $1,800.
Neah Bay Agency, Washington, $1,200.
Nevada Agency, Nevada, $1,500.
New York Agency, New York, $1,000.
Nez Perces Agency, Idaho, $1,600.

[28 Stat., 305.]
Surplus tribal lands to be leased for farming.
1900, May 31, c. 598, post, p. 105.

That the surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes.

Claimants may appear in circuit court.
1893, Mar. 3, c. 209, ante, p. 66.
95 Fed. Rep., 193.
Amended, post, p. 109.

That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment Act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any Act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto, in the proper circuit court of the United States.

Jurisdiction to courts.

And said circuit courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions, involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty.

Effect of judgments.

And the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him;

Lands excepted.

but this provision shall not apply to any lands now held by either of the Five Civilized Tribes nor to any of the lands within the Quapaw Indian Agency:

Appeal.

Provided, That the right of appeal shall be allowed to either party as in other cases. * * *

[28 Stat., 311.]
Equal education to those taking lands in severalty.
1893, Mar. 3, c. 209, ante, p. 65.
1887, Feb. 8, c. 119, ante, p. 33.
1891, Feb. 28, c. 383, ante, p. 57.

That hereafter in the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken or may hereafter take lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits of such appropriation. * * *

Omaha and Winnebago Agency, Nebraska, $1,600.
Osage Agency, Oklahoma Territory, $1,600.
Pima Agency, Arizona, $1,800.
Pine Ridge Agency, South Dakota, $1,800.
Pottawatomie and Great Nemaha Agency, Kansas, $1,200.
Ponca, Pawnee, Otoe, and Oakland Agency, Oklahoma Territory, $1,500.
Pueblo and Jicarilla Agency, New Mexico, $1,500.
Puyallup (consolidated) Agency, Washington, $1,600.
Rosebud Agency, South Dakota, $1,800.
Round Valley Agency, California, $1,500.
Sac and Fox Agency, Iowa, $1,000.
Sac and Fox Agency, Oklahoma Territory, $1,200.
San Carlos Agency, Arizona, $1,800.
Santee Agency, Nebraska, $1,200.
Shoshone Agency, Wyoming, $1,500
Siletz Agency, Oregon, $1,200.
Sisseton Agency, South Dakota, $1,500.
Southern Ute Agency, Colorado, $1,400.
Standing Rock Agency, North Dakota, $1,800.
Tongue River Agency, Montana, $1,500.
Tulalip Agency, Washington, $1,200.
Uintah and Ouray Agency, Utah (consolidated), $1,800.
Umatilla Agency, Oregon, $1,200.
Union Agency, Indian Territory, $1,500.
Warm Springs Agency, Oregon, $1,200.
Western Shoshone Agency, Nevada, $1,500.
White Earth Agency, Minnesota, $1,800.
Yakima Agency, Washington, $1,800.
Yankton Agency, South Dakota, $1,600.
Quapaw Agency, Indian Territory, $1,400.

[a] This provision has been repeated annually since 1885.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the several Indian tribes interested therein, the face value of certain nonpaying State bonds or stocks, including certain abstracted bonds described on pages one hundred and fifty-three and one hundred and fifty-four of Annual Estimates for the fiscal year ending June thirtieth, eighteen hundred and ninety-five (House Executive Document Numbered five, Fifty-third Congress, second session),

Face value of certain nonpaying bonds to be credited to the Indians.
R. S., 2095, 2096.

to draw interest at the rate of five per cent per annum, as provided by the Act of April one, eighteen hundred and eighty;

Interest to be paid.
1880, Apr. 1, c. 41, ante p. 28.

and thereupon said State bonds or stocks shall become the property of the United States. * * *

Bonds to belong to United States.

SEC. 3. * * * And the Secretary of the Interior may, when practicable, arrange for the manufacture by Indians upon the reservation, of shoes, clothing, leather, harness, and wagons.[d]

[28 Stat., 312.]
Supplies to be manufactured by Indians.

SEC. 4. That hereafter the Commissioner of Indian Affairs is authorized to[e] advertise in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian service required for the ensuing fiscal year, notwithstanding the fact that the appropriations for such fiscal year have not been made,

Advertisement and contract before appropriations.
R. S., 3679, 3732, 3733.

and the contracts so made shall be on the basis of the appropriations for the preceding fiscal year

Contracts on basis of preceding year.

and shall contain a clause that no deliveries shall be made under the same and no liability attach to the United States in consequence of such execution if Congress fails to make an appropriation for such contract for the fiscal year for which those supplied are required. * * *

No liability unless appropriation.

SEC. 9.[f] That the Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole or in part out of the appropriations in this Act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid.

Report of employees at agencies and schools.
R. S., 468.
1899, Mar. 2, c. 412, ante, p. 44.
1900, May 31, c. 598, post, p. 107.

Also the number of employees in the Indian Bureau in Washington, when employed, in what capacity employed, male or female, full name, amount of compensation paid and out of what fund paid, and under what law employed.

—Indian Bureau, R. S., 468.

SEC. 10. That in the Indian service Indians shall be employed as herders, teamsters, and laborers, and where practicable in all other employments in connection with the agencies and the Indian service.

Indian employees preferred.
1882, May 17, c. 163 (1 Supp. R. S., 343).

And it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision. * * * [*August 15, 1894.*]

Provision to be enforced.

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[d] See other acts relating to employment of Indians and purchase of goods made by them: Revised Statutes 2069, 2127; 1875, March 3, c. 132, s. 3, 5 (ante p. 24); 1877, March 3, c. 101 (ante p. 27); 1880, May 11, ch. 85 (ante p. 28); 1882, May 17, c. 163, 6 (ante p. 29); 1893, March 3, c. 209 (ante p. 66).

[e] See notes reviewing laws in relation to advertisements appended to 1894, January 27, c. 22 (2 supp., R. S., 169.)

A similar provision, including the word "hereafter," has been repeated annually in Indian appropriation acts. See 1891, March 3, c. 543 (26 stat. 989); 1892, July 13, c. 164 (27 Stat., 144); 1893, March 3, c. 646 (27 Stat. L., 639).

[f] This section directs the Commissioner to report "annually," this indicating a permanent provision; but the report is to be of schools "supported out of the appropriations in this Act," apparently indicating a temporary provision for the single year. This is repeated from the previous appropriation acts of 1892 and 1893 (27 Stat. L., 145, 640).

Aug. 23, 1894.

28 Stat., 424.

CHAP. 307.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, and for prior years, and for other purposes.

Be it enacted, &c.

* * * * * * *

[28 Stat., 441.]
Indian convicts.

Territory of Arizona: The Attorney-General shall pay out of the appropriation for support of United States prisoners for the fiscal year eighteen hundred and ninety-five, such sums as may be found equitably due upon examination, to the Territory of Arizona for maintenance of Indian convicts in Territorial prisons heretofore convicted under the provisions of section nine of the Indian appropriation act, approved March third, eighteen hundred and eighty-five:

No payments to State or Territory for keeping.
1885, Mar. 3, c. 341, S. 9, ante, p. 32.

Provided, That hereafter no payment shall be made to any State or Territory for maintenance and keeping in prison of Indian convicts convicted in any State or Territorial court for violation of the provisions of said section nine of the said Act approved March third, eighteen hundred and eighty-five. * * * [*August 23, 1894.*]

ACTS OF FIFTY-THIRD CONGRESS—THIRD SESSION, 1895.

Jan. 26, 1895.

28 Stat., 641.

CHAP. 50.—An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes.

Public lands.

Errors in allotments and patents to Indians to be corrected.
1887, Feb. 8, c. 119, ante, p. 33.
1891, Feb. 28, c. 383, ante, p. 56.

Be it enacted, &c., That in all cases where it shall appear that a double allotment of land has heretofore been, or shall hereafter be, wrongfully or erroneously made by the Secretary of the Interior to any Indian by an assumed name or otherwise, or where a mistake has been or shall be made in the description of the land inserted in any patent, said Secretary is hereby authorized and directed, during the time that the United States may hold the title to the land in trust for any such Indian and for which a conditional patent may have been issued, to rectify and correct such mistake and cancel any patent which may have been erroneously and wrongfully issued, whenever in his opinion the same ought to be canceled for error in the issue thereof, or for the best interests of the Indian, and, if possession of the original patent can not be obtained, such cancellation shall be effective if made upon the records of the General Land Office; and no proclamation shall be necessary to open the lands so allotted to settlement. [*January 26, 1895.*]

Mar. 1, 1895.

28 Stat., 693.

CHAP. 145.—An act to provide for the appointment of additional judges of the United States court in the Indian Territory,[a] and for other purposes.

Indian Territory.
Three judicial districts created.
1889, Mar. 1, c. 333, s. 1, ante, p. 41; 1897, June 7, ch. 3, post, p. 97.

Be it enacted, &c., That the territory known as the Indian Territory, now within the jurisdiction of the United States court in said Territory, is hereby divided into three judicial districts, to be known as the northern, central, and southern districts,

Terms of courts.
1889, Mar. 1, c. 333, s. 7, ante, p. 41.

and at least two terms of the United States court in the Indian Territory shall be held each year at each place of holding court in each district at such regular times as the judge for such district shall fix and determine.

Northern district.

The northern district shall consist of all the Creek country, all of the Seminole country, all of the Cherokee country, all of the country occupied by the Indian tribes in the Quapaw Indian Agency, and the town site of the Miami Townsite Company, and the places of holding courts in said district shall be at Vinita, Miami, Tahlequah, and Muscogee.

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[a] See 1889, March 1, ch. 333, and note (a) (ante, p. 39), and amendatory act of 1890, May 2, secs. 29–43 (ante, p. 47), for previous legislation in regard to jurisdiction of courts and punishment of offenses in the Indian Territory.

Central district.
1900, June 6, ch. 795, post, p. 108; 1902, c. 276, post, p. 118.

The central district shall consist of all the Choctaw country, and the places of holding courts in said district shall be at South McAlester, Atoka, Antlers, and Cameron.

Southern district.

The southern district shall consist of all the Chickasaw country, and the places of holding courts in said district shall be at Ardmore, Purcell, Pauls Valley, Ryan, and Chickasha.

Two additional judges.

SEC. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, two additional judges of the United States court in said Indian Territory, who shall hold their respective offices for the term of four years from the date of their appointment, unless sooner removed as provided by law, one of whom shall be the judge of the northern district and the other shall be the judge of the southern district; and the judge of the United States court now in office shall, from and after said appointments, be the judge of the central district, and shall hold his office for the term for which he was appointed, and during the period of their service said judges shall reside in the judicial districts for which they are appointed; and said judges of the northern and southern districts shall each take the oath of office required by law to be taken by the judges of the district courts of the United States.

Salaries, etc.

The judge for each district shall be paid a salary of five thousand dollars per annum, and allowed his necessary expenses when holding court away from home, the same to be paid from the Treasury of the United States in like manner as the salaries and allowances of the judges of the United States district courts.

Recess appointments.
Const. U. S., art. 2, s. 2.

If the appointment of said judges, or any of them, shall not be made during the present session, the President of the United States shall be, and is hereby, empowered to make such appointment during the recess of the Senate, by granting commissions which shall expire at the end of the next session.

Judges, powers of.
1889, Mar. 1, c. 333, s. 16, ante, p. 43.
R. S., 716.

The judges shall have, within the judicial districts for which they are appointed, all such authority, both in term time and vacation, as to all matters and causes, both criminal and civil, pending or that may be brought in said districts, and shall have the same superintending control over commissioners' courts therein, and the same authority in the judicial districts, to issue writs of habeas corpus and prohibition, injunction, mandamus, certiorari, and other remedial and final process as is now by law vested in the judge of the United States court in the Indian Territory, or in the circuit and district courts of the United States.

—may hold court in other districts.

The judge of each district is authorized and empowered to hold court in any other district, for the trial of any case which the judge of said other district is disqualified from trying, and the disqualifications under this Act shall be the same as are provided by the laws of the State of Arkansas to disqualify the circuit judges of that State, except that no judge shall be disqualified by the filing of an affidavit of his prejudice. And whenever on account of sickness, or for any other reason, the judge of any district is unable to perform the duties of his office, either of the other judges may act in his stead, in term time or in vacation.

Temporary authority of present judge.

Until the appointment and qualification of said judges of the northern and southern districts, respectively, the judge of the United States court in the Indian Territory shall continue to perform all the duties and exercise all the authority that is now, or hereafter may be, conferred upon him as such judge.

Attorneys and marshals.
R. S., 771, 787.
1889, Mar. 1, c. 333, s. 2, ante, p. 39.
1897, Jan. 30, c. 70, ante, p. 88.

There shall be appointed by the President an attorney and marshal for said court in each of said districts, who shall continue in office for four years, and until their successors shall be duly appointed and qualified, and they shall discharge the like duties as other United States attorneys and marshals.

Deputy marshals.
R. S., 780.

Each of said marshals shall appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals;

Present officials.

The United States attorney for the Indian Territory shall be the district attorney for the northern district as herein created, and the marshal in the Indian Territory shall be the marshal for said central district after this Act goes into effect.

Salaries, etc.

Each of the district attorneys in said Territory shall receive a salary of four thousand dollars per annum, and each of the marshals shall receive a salary of four thousand dollars per annum; and each of his deputies, not exceeding four in number, unless a greater number be specially authorized by order of the district judge, entered of record, shall receive a salary of one thousand two hundred dollars per annum and his reasonable and necessary expenses of travel and subsistence while on duty, to be approved by the judge for the district for which he is appointed:

Additional deputy marshals.

Provided, That, in case of emergency, either of said judges may authorize the appointment of as many deputy marshals as he may deem necessary for the enforcement of law and the suppression of crime, and such deputies shall receive the same rate of pay and expenses of travel for the time they may serve as regular deputy marshals:

Assistant attorneys.

And provided further, That the Attorney-General of the United States may, if in his judgment it shall be necessary, appoint an assistant attorney for each of said districts.

Clerks.
1889, Mar. 1, c. 333, s. 3, ante, p. 40.
1890, May 2, c. 182, ante, p. 45.

SEC. 3. That the clerk of the United States court, in the Indian Territory, now in office, shall be clerk of the southern district, and the clerks of the central and northern districts shall be appointed by the respective judges thereof, and the clerk of each district shall reside and keep his office at one of the places of holding court in his district.

—duties.

He shall perform the same duties and be subject to the same liabilities as clerks of district courts of the United States, and, before entering upon his duties, he shall give bond in the sum of five thousand dollars, with two or more securities, to be approved by the judge of the district conditioned that he will faithfully discharge his duties as required by law. Each of said clerks shall appoint a deputy clerk for each court in his district where he himself does not reside.

—deputies.

Such deputy clerk shall keep his office and reside at the place appointed for holding the court for which he is appointed, and shall keep the records of said court and shall receive a salary of one thousand two hundred dollars per annum:

Approval of deputies.

Provided, That the appointment of such deputy shall be approved by the judge of the district, and may be annulled by said judge for cause, which shall be stated on the records of the court, and the clerk shall be responsible for the official acts and negligence of his deputies.

Salaries, etc.
1901, Mar. 3, c. 832, post, p. 111.

Each of the clerks in said Territory shall receive a salary of three thousand dollars per annum.

Commissioners.
R. S., 627.
1890, May 2, c. 182, s. 39, ante, p. 53.
1897, June 7, c. 3, post, p. 87.
1900, May 7, c. 384, post, p. 105.

SEC. 4. That each judge of said court shall have the powers conferred by law upon the United States circuit courts to appoint commissioners within the district in which he presides, who, at the time of their appointment, shall be duly enrolled attorneys of some court of record of the United States or of some State, and shall be competent and of good standing, and shall be known as United States commissioners,

—limit.

but not exceeding six commissioners shall be appointed for any district hereinbefore constituted:

—present commissioners.

Provided, That the present commissioners shall be included in that number and shall hold office under their existing appointments, subject to removal by the judge of the district where said commissioners reside for causes prescribed by law.

—places and times of court.

The judge for each district may fix the place where, or the time when each commissioner shall hold his regular terms of court.

—appointment.

The order appointing such commissioners shall be in writing and shall be spread upon the records of one of the courts of the district for which they are appointed; and such order shall designate, by metes and bounds, the portion of the district for which they are appointed.

—powers.
R. S., 1014.
156 U.S., 591.

They shall have all the powers of commissioners of the circuit courts of the United States. They shall be ex officio notaries public and ex officio justices of the peace within and for the portion of the district for which they are appointed, and shall have the power as such to solemnize marriages.

Arkansas criminal law and procedure in force.
1890, May 2, c. 182, s. 31, ante, p. 49.

The provisions of chapter forty-five of Mansfield's Digest of the General Laws of Arkansas, entitled "Criminal law," except as to the crimes and misdemeanors mentioned in the proviso of this section, and chapter forty-six of said laws of Arkansas, contained in said digest, entitled "Criminal procedure," and chapter ninety-one of said general laws, regulating the jurisdiction and procedure before justices of the peace in civil cases, be, and they are hereby, extended to and put in force in the Indian Territory; and the jurisdiction to enforce said provisions is hereby conferred upon the United States court in the Indian Territory:

In conflicting cases United States laws to prevail.

Provided, That in all cases where the laws of the United States and the said criminal laws of Arkansas have provided for the punishment of the same offenses the laws of the United States shall govern as to said offenses,

—larceny excepted.
1897, June 7, c. 3, post, p. 87.

except for the crime of larceny, the punishment for which shall be that prescribed by the laws of the State of Arkansas, any law in force in said Indian Territory to the contrary notwithstanding.

Commissioners' civil jurisdiction exclusive under $100.

The original jurisdiction of such commissioners as justices of the peace in civil cases shall, in all those classes of cases where jurisdiction is by this Act conferred upon the United States court in the Indian Territory, be exclusive where the amount or value of the demand or of the property or thing in controversy does not exceed one hundred dollars.

—criminal jurisdiction.

That said commissioners, acting as justices of the peace in criminal cases, shall have jurisdiction to hold preliminary examinations and discharge, hold to bail, or commit in cases of offenses which, under the laws applicable to the Territory, amount to felonies.

Appeals.

Appeals may be taken to the United States court in the Indian Territory, in said districts, respectively, from the final judgment of said commissioners, acting as justices of the peace, in all cases; and such appeals shall be taken in the manner that appeals may be taken from the final judgments of the justices of the peace under the provisions of said chapter ninety-one in civil cases and chapter forty-six in criminal cases of the laws of Arkansas:

Limit.

Provided, That no appeal shall be allowed in civil cases where the amount of the judgment, exclusive of cost, does not exceed twenty dollars.

Salaries, etc.

Each of said commissioners in said Territory shall receive a salary of one thousand five hundred dollars per annum, and all fees collected by him shall be paid over to the clerk of the district.

Constables.

SEC. 5. That the judge in each district may appoint a constable for each of said commissioners' districts so designated by the court, which appointments shall be in writing and spread upon the records of one of the courts in said district, and the constable so appointed shall perform all the duties required of constables by the laws of the State of Arkansas, chapter twenty-four of Mansfield's Digest.

Salary.

Each of said constables shall receive a salary of six hundred dollars per annum.

Accounts of fees, etc.

Each of said commissioners and constables shall keep a careful account of all fees, fines, and costs collected by him, and shall settle with and pay the same to the clerk of the district at the end of every quarter, who shall pay the same into the Treasury of the United States.

Bonds and oaths.

Said commissioners and constables, before entering upon the discharge of their duties, shall execute to the United States, for the security of the public, a good and sufficient bond in the sum of two thousand dollars, to be approved by the judge appointing him, conditioned that he will faithfully discharge the duties of his office and account for all moneys coming into his hands; and he shall take an oath to support the Constitution of the United States and to faithfully perform the duties required of him, which bond and oath shall be filed with the clerk in the district for which the appointment is made.

Jurors.

SEC. 6. That jurors for each term of said court in each district shall be selected and summoned in the manner provided by the statute laws of the State of Arkansas now in force in said Territory.

Prosecutions to be within district of offense.

SEC. 7. That all prosecutions for crimes or offenses of which the United States court in the Indian Territory shall have jurisdiction, shall be had within the district in which said offense shall have been committed, and in the court nearest or most convenient to the locality where it is committed, to be determined by the judge on motion to transfer the trial of the case from one court to another.

Civil suits.

All civil suits shall be brought in the district in which the defendant or defendants reside or may be found; but if there are two or more defendants residing in different districts the action may be brought in any district in which either of the defendants may reside or be found; and if a resident, in the court nearest to his residence.

Change of venue.

All cases shall be tried in the court to which the process is returnable, unless a change of venue is allowed, in which case the court shall change the venue to the nearest place of holding court, within the district, and any civil cause may be removed to another district for trial if the court shall so order, on the application of either party.

Punishment for sale, etc., of liquors.
R. S., 2139.
1884, July 4, c. 180, ante, p. 33.
1892, July 23, c. 234, ante, p. 63.
1897, Jan. 30, c. 109, post, p. 88.
1898, June 28, c. 517, post, p. 95.

SEC. 8. That any person, whether an Indian or otherwise, who shall, in said Territory, manufacture, sell, give away, or in any manner, or by any means furnish to anyone, either for himself or another, any vinous, malt, or fermented liquors, or any other intoxicating drinks of any kind whatsoever, whether medicated or not, or who shall carry, or in any manner have carried, into said Territory any such liquors or drinks, or who shall be interested in such manufacture, sale, giving away, furnishing to anyone, or carrying into said Territory any of such liquors or drinks, shall, upon conviction thereof, be punished by fine not exceeding five hundred dollars and by imprisonment for not less than one month nor more than five years.

Criminal jurisdiction of court to be exclusive.

SEC. 9. That the United States court in the Indian Territory shall have exclusive original jurisdiction of all offenses committed in said Territory, of which the United States court in the Indian Territory now has jurisdiction, and after the first day of September, eighteen hundred and ninety-six, shall have exclusive original jurisdiction of all offenses against the laws of the United States, committed in said Territory, except such cases as the United States court at Paris, Texas, Fort Smith, Arkansas, and Fort Scott, Kansas, shall have acquired jurisdiction of before that time;

Civil jurisdiction.

and shall have such original jurisdiction of civil cases as is now vested in the United States court in the Indian Territory,

Appellate jurisdiction.

and appellate jurisdiction of all cases tried before said commissioners, acting as justices of the peace, where the amount of the judgment exceeds twenty dollars.

Jurisdiction of courts in States repealed.

All laws [a] heretofore enacted conferring jurisdiction upon United States courts held in Arkansas, Kansas, and Texas, outside of the limits of the Indian Territory, as defined by law, as to offenses committed in said Indian Territory, as herein provided, are hereby repealed, to take effect on September first, eighteen hundred and ninety-six; and the jurisdiction now conferred by law upon said courts is hereby given from and after the date aforesaid to the United States court in the Indian Territory:

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[a] The jurisdiction hereby taken away is that conferred by 1883, January 6, ch. 13 (22 stat., p. 400), and 1889, March 1, ch. 333, secs. 17, 18 (ante, p. 43).

Pending cases.

Provided, That in all criminal cases where said courts outside of the Indian Territory shall have, on September first, eighteen hundred and ninety-six, acquired jurisdiction, they shall retain jurisdiction to try and finally dispose of such cases. Every case, civil or criminal, pending in the United States court in the Indian Territory shall be tried and disposed of by the court where the same is pending, unless the venue therein be changed, as herein provided.

Court rooms, etc.

SEC. 10. That it shall be the duty of the marshals appointed under this act to provide, under the direction and with the approval of the judge of the district, suitable buildings and rooms for holding said courts in their respective districts. They shall also procure suitable offices for the clerks and marshals. Any contract for these purposes shall be approved by the judge only after personal inspection of the premises leased, and any contract for a period longer than six months shall be reported to the Attorney-General for his approval.

Prisons to be provided.

Said marshals shall also provide suitable prisons in each district at the places of holding said court for the confinement and safe-keeping of all prisoners committed by said court and the commissioners appointed under this act, and all other prisoners in legal custody.

Court of appeals.

SEC. 11. That the judges of said court shall constitute a court of appeals, to be presided over by the judge oldest in commission as chief justice of said court;

—Jurisdiction.

and said court shall have such jurisdiction and powers in said Indian Territory and such general superintending control over the courts thereof as is conferred upon the supreme court of Arkansas over the courts thereof by the laws of said State, as provided by chapter forty of Mansfield's Digest of the Laws of Arkansas, and the provisions of said chapter, so far as they relate to the jurisdiction and powers of said supreme court of Arkansas as to appeals and writs of error, and as to the trial and decision of causes, so far as they are applicable, shall be, and they are hereby, extended over and put in force in the Indian Territory;

Criminal appeals and writs of error.

and appeals and writs of error from said court in said districts to said appellate court, in criminal cases, shall be prosecuted under the provisions of chapter forty-six of said Mansfield's Digest, by this act put in force in the Indian Territory.

Judge not to sit on appeal from his own decision.

But no one of said judges shall sit in said appellate court in the determination of any cause in which an appeal is prosecuted from the decision of any court over which he presided.

Quorum, etc.

In case of said presiding judge being absent the judge next oldest in commission shall preside over said appellate court, and in such case two of said judges shall constitute a quorum.

Equal division, effect.

In all cases where the court is equally divided in opinion, the judgment of the court below shall stand affirmed.

Appeals, etc., to circuit court of appeals.
1889, Mar. 1, c. 333, ante, p. 41.
1891, Mar. 3, c. 517, s. 13, ante, p. 56.
1895, Feb. 8, c. 14, post, p. 77.

Writs of error and appeals from the final decision of said appellate court shall be allowed, and may be taken to the circuit court of appeals for the eighth judicial circuit in the same manner and under the same regulations as appeals are taken from the circuit courts of the United States.

Clerk to court of appeals.

Said appellate court shall appoint its own clerk, who shall hold his office at the pleasure of said court, and who shall receive a salary of one thousand two hundred dollars per annum.

Marshal.

The marshal of the district wherein such appellate court shall be held shall be marshal of said court.

Terms.

Said appellate court shall be held at South McAlester, in the Choctaw Nation, and it shall hold two terms in each year, at such times and for such periods as may be fixed by the court.

Fees to officials.
R. S., 823-857.

SEC. 12. That there shall be allowed to said attorneys, marshals, and clerks of the court of appeals and district courts the same fees as are allowed to like officers in chapter sixteen, title judiciary, of the Revised Statutes of the United States, and as are allowed in chapter sixty-three of the Laws of Arkansas, in all cases where such fees or taxed costs are paid by individuals or corporations, and they shall each keep careful account of all such fees collected by him, and account to the clerk of the court of appeals for all of the same in excess of their respective salaries, making settlement therefor with said clerk at the end of each quarter of the fiscal year.

Clerk to pay over moneys, etc.

And the said clerk of the court of appeals shall at the end of each quarter pay the moneys or fees so received by him to the assistant treasurer of the United States in Saint Louis, Missouri.

Laws to remain in force.

SEC. 18. That none of the provisions of any other acts, or of any of the laws of the United States, or of the State of Arkansas, heretofore put in force in said Indian Territory, except so far as they come in conflict with the provisions of this act, are intended to be repealed, or in any manner affected by this act, but all such acts and laws are to remain in full force and effect in said Territory. [*March 1, 1895.*]

Mar. 2, 1895.

28 Stat., 876.

CHAP. 188.—An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes.

[28 Stat., 899.]
Selection of school lands on reservations opened.
R. S., 2275, 2276, as amended by
1891, Feb. 28, c. 384, 26 stat., 796.

Be it enacted, etc., * * * That any State or Territory entitled to indemnity school lands or entitled to select lands for educational purposes under existing law may select such lands within the boundaries of any Indian reservation in such State or Territory from the surplus lands thereof, purchased by the United States after allotments have been made to the Indians of such reservation, and prior to the opening of such reservation to settlement. * * *

[28 Stat., 906.]
Consent of parents to send child out of State, etc.

That hereafter no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child.

Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation.

98 Fed. Rep., 429.

And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation. * * *

[28 Stat., 910.]
Special agent to make payments.
R. S., 2089-2092.
31 Ct. Cls., 140.

SEC. 11. That in all payments or disbursements of money to Indians individually the Secretary of the Interior is hereby authorized, in his discretion, to detail an officer from his Department or appoint a special agent to make or to superintend and inspect such payment;

—compensation.

and when made by special agent the Secretary shall fix a reasonable compensation for the services of such special agent and pay it out of the money to be disbursed.

—bonds.

In all cases the agent making such payment shall give bond to the United States in double the amount to be disbursed, with good and sufficient security, to be approved by the Secretary, conditioned for the faithful performance of his duties.

—regulations.

All such payments to be made under such rules and regulations as the Secretary may prescribe. [*March 2, 1895.*]

ACTS OF FIFTY-FOURTH CONGRESS—FIRST SESSION, 1896.

CHAP. 14.—An act to extend the jurisdiction of the United States circuit court of appeals, eighth circuit, over certain suits now pending therein on appeal and writ of error from the United States court in the Indian Territory.

Feb. 8, 1896.

29 Stat., 6.

Eighth judicial circuit.

Circuit court of appeals to retain jurisdiction of certain pending cases.

1891, Mar. 3, c. 517, s. 13, ante, p. 58.

1895, Mar. 1, c. 145, s. 9, 11, ante, p. 74.

Be it enacted, &c., That the jurisdiction of the United States circuit court of appeals for the eighth judicial circuit be, and is hereby, extended to all suits at law or equity now pending therein upon writ of error to or appeal from the United States court in the Indian Territory in all cases wherein such writ of error or appeal would have vested jurisdiction in said circuit court of appeals but for the Act of Congress approved March first, eighteen hundred and ninety-five, entitled "An Act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes." [*February 8, 1896.*]

CHAP. 141.—An act to grant to railroad companies in Indian Territory additional powers to secure depot grounds.[a]

Apr. 25, 1896.

29 Stat., 109.

Indian Territory.

Railroad companies may acquire lands for stations, etc.

1899, Mar. 2, c. 374, post, p. 102.

Be it enacted, &c., That any railroad company operating a railroad in the Indian Territory may acquire the right to use such additional ground as may be necessary for railway purposes at stations now existing, or for the establishment of new stations or depots, by making it appear to the Secretary of the Interior that such additional ground is necessary for railway purposes, and that the convenience of the people and the public interests will be promoted thereby:

Conditions.

Provided, That the lands so acquired shall be subject to all the conditions and limitations as to use as are the lands for right of way and station purposes, as contained in the original Acts, respectively, granting the companies rights of way through the Indian Territory.

Lands held in common.

SEC. 2. That the Secretary of the Interior may, when convinced that such application is proper, and after allowing opportunity for all parties in interest to be heard before him, grant the use of such additional lands held by the Indians in common as may be necessary for depot purposes;

Payment to tribes.

but before taking possession of and using such lands the railroad company shall deposit with the treasury of the tribe to which the lands belong compensation in cash at the rate of twenty-five dollars per acre:

Appeal.

Provided, That if such tribe shall not be satisfied with the compensation herein provided, and the same can not be amicably determined, the amount to be paid by such railroad company to such tribe and the necessity for such taking shall be ascertained in the same manner as is prescribed by section three of this Act with respect to compensation to be paid individual occupants on any land so taken:

Approval of location.

Provided further, That before taking possession of and using such additional lands the railroad company in interest shall file a map of definite location of, the same with the Secretary of the Interior, which map shall be subject to the approval of such Secretary.

Payment to individual occupants.

SEC. 3. That when lands desired by a railroad company under the provisions of this Act are held by individual occupants according to the laws, customs, and usages of any of the nations or tribes through whose lands the road is constructed, full compensation, in addition to the compensation to be paid the nation or tribe herein provided for, shall be paid to such occupant for all property taken and damage done by reason of the occupancy of the lands by the company for station purposes;

Referees.

and where the compensation can not be agreed upon between the company and the occupant, the company may apply to the Secretary of the Interior, who shall thereupon appoint three disinterested referees, who, before entering upon the duties of their appointment, shall take and subscribe, before competent authority, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award.

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[a] See also 1890, October 1, ch. 1266, (ante p. 54), "to provide for railroad crossings in the Indian Territory;" also 1894, August 8, ch. 236 (ante, p. 66).

Award.

In case the referees can not agree, then any two of them are authorized to make the award.

Appeal.

Either party dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States court for the Indian Territory in and for the district wherein the land sought to be so taken may be situate, where the case, both as to the necessity for the taking as well as the amount of damages, shall be tried de novo.

Building may begin on depositing double the award.

When proceedings have been commenced in court and the court has determined the necessity for such taking, the railroad company shall pay double the amount of the award into court to abide the judgment thereof, and then to have the right to enter upon the property sought to be condemned and proceed with the construction of such depot with the necessary tracks.

Pay of referees, etc.

Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act, with mileage of five cents per mile for each mile actually traveled.

—of witnesses.
Costs, how paid.

Witnesses shall receive the usual fees allowed by the court, and all costs, including compensation of the referees, shall be made a part of the award and be paid by such railroad company.

Land to be for railroad purposes strictly.

SEC. 4. That all lands acquired under the provisions of this Act shall be used for railroad purposes strictly,

—only 20 acres at one station.

and not more than twenty acres of land at any one station shall be acquired hereunder by any one railroad company;

—must be contiguous to land already occupied.

nor shall any additional land be so acquired which is not contiguous to land already occupied for railroad purposes. [*Became a law without the President's approval April 25, 1896.*]

May 25, 1896.

29 Stat., 126.

CHAP. 242.—An act making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes.

Indian Territory.
Shooting at railway trains a felony.

1890, ch. 182, s. 20, ante, p. 43.

Be it enacted, &c., That every person who, in the Indian Territory, shall willfully and maliciously shoot at or into any locomotive, caboose, postal car, passenger coach, express, or baggage car of any railway train, or at any person thereon, or shall throw any dangerous missile at or into any locomotive, caboose, postal car, passenger coach, express, or baggage car of any railway train, or at any person thereon, or shall derail or attempt to derail any locomotive or train, shall be deemed guilty of a felony,

—how punished.

and on conviction thereof shall be sentenced to imprisonment at hard labor in the penitentiary for any time not more than twenty years:

—causing death, to be murder; how punished.

Provided, That if any person shall be killed, either directly or indirectly, by reason of said shooting, throwing, or derailing, the person causing the death shall be deemed guilty of murder, and upon conviction thereof shall be punished accordingly.

Shooting at freight cars, etc., a misdemeanor.

SEC. 2. That any person who, in the Indian Territory, shall willfully shoot at or into any freight, stock, postal, baggage, or other car of any railway train, whether such car is attached to a locomotive or not, or shall throw any dangerous missile at or into such car, shall be guilty of a misdemeanor,

—how punished.

and upon conviction thereof shall be punished by imprisonment not exceeding ninety days or by fine not exceeding three hundred dollars, or by both such fine and imprisonment. [*May 25, 1896.*]

June 10, 1896.

29 Stat., 321.

CHAP. 398.—An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes.

[29 Stat., 322.]
Indian affairs.
Superintendents of schools may act as agents.

Be it enacted, &c.,[a] * * * That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency, whenever in his judgment such superintendent can properly perform the duties of such agency.

—to give bond.

And the superintendent upon whom such duties devolve shall give bond as other Indian agents. * * *

[29 Stat., 336.]
Payments to Indians, per capita.

That any sums of money hereafter to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior.[b] * * *

[29 Stat., 339.]
Commission to Five Civilized Tribes.
1897, June 7, c. 3, post, p. 87.
1898, June 28, c. 517, post, p. 90.

For salaries and expenses of the Commissioners appointed under Acts of Congress[c] approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of forty thousand dollars, to be immediately available;

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[a] The first three paragraphs of this act are identical with those of 1895, March 2, chapter 188, and with corresponding provisions of previous acts.

[b] See the similar but more elaborate provisions of 1895, March 2, chapter 188, section 11 (ante, p. 76).

[c] The acts here referred to, 1893, March 3, chapter 209, sections 15, 16 (27 Stat., 645), and 1895, March 2, chapter 189 (28 Stat., 939), conferred upon the Commission no powers beyond those of negotiation and report, and for that reason were excluded from the plan of this work as temporary and special. The act in the text for the first time confers upon the Commission powers of an executive character, besides declaring a policy in regard to the government of the Indian Territory. For its better understanding, those parts of the acts of 1893 originally constituting the Commission, and 1895 authorizing the continuance of its work, are here given as follows: * * *

Allotments to Cherokee, Creeks, Choctaw, and Seminole.

"SEC. 15. The consent of the United States is hereby given to the allotment of lands in severalty not exceeding one hundred and sixty acres to any one individual within the limits of the country occupied by the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles;

Allottees to be deemed citizens.

"and upon such allotments the individuals to whom the same may be allotted shall be deemed to be in all respects citizens of the United States.

Survey of allotted lands.

"And the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the survey of any such lands as may be allotted by any of said tribes of Indians to individual members of said tribes;

Rights of United States to cease.

"and upon the allotment of the lands held by said tribes respectively the reversionary interest of the United States therein shall be relinquished and shall cease.

Negotiations with the Five Civilized Tribes in Indian Territory.

Commission to be appointed.

"SEC. 16. The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation; the Seminole Nation, for the purpose of the extinguishment of the national or tribal title to any lands within that Territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such and adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.

Salaries, etc., of commissioners.

"The commissioners so appointed shall each receive a salary, to be paid during such time as they may be actually employed, under direction of the President, in the duties enjoined by this act, at the rate of five thousand dollars per annum, and shall also be paid their reasonable and proper expenses incurred in prosecution of the objects of this act, upon accounts therefor to be rendered to and allowed by the Secretary of the Interior from time to time.

Secretary, stenographer, and interpreter.

"That such commissioners shall have power to employ a secretary, a stenographer, and such interpreter or interpreters as may be found necessary to the performance of their duties, and by order to fix their compensation, which shall be paid, upon the approval of the Secretary of the Interior, from time to time, with their reasonable and necessary expenses, upon accounts to be rendered as aforesaid;

—authority continued.

and said commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

Applications for citizenship.

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled:

—to be made in 3 months.

Provided, however, That such application shall be made to such Commissioners within three months after the passage of this Act.

—to be decided in 90 days.

The said commission shall decide all such applications within ninety days after the same shall be made.

—rules of decision.

That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes:

Surveyor, etc.

"and may also employ, in like manner and with the like approval, a surveyor or other assistant or agent, which they shall certify in writing to be necessary to the performance of any part of their duties.

Regulations, etc.

"Such commissioners shall, under such regulations and directions as shall be prescribed by the President, through the Secretary of the Interior, enter upon negotiation with the several nations, of Indians as aforesaid in the Indian Territory,

"and shall endeavor to procure,

Duties of commission.

As to allotment of lands in severalty to Indians.

"first, such allotment of lands in severalty to the Indians belonging to each such nation, tribe, or band, respectively, as may be agreed upon as just and proper to provide for each such Indian a sufficient quantity of land for his or her needs, in such equal distribution and apportionment as may be found just and suited to the circumstances; for which purpose, after the terms of such an agreement shall have been arrived at, the said commissioners shall cause the lands of any such nation or tribe or band to be surveyed and the proper allotment to be designated; and,

Cession of other lands to United States.

"secondly, to procure the cession, for such price and upon such terms as shall be agreed upon, of any lands not found necessary to be so allotted or divided, to the United States;

Agreements for investment, etc.

"and to make proper agreements for the investment or holding by the United States of such moneys as may be paid or agreed to be paid to such nation or tribes or bands, or to any of the Indians thereof, for the extinguishment of their [title] therein.

Power and objects of the commission.

"But said commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a Territory of the United States with a view to the admission of the same as a State in the Union.

Reports.

"The commissioners shall at any time, or from time to time, report to the Secretary of the Interior their transactions and the progress of their negotiations, and shall at any time, or from time to time, if separate agreements shall be made by them with any nation, tribe, or band, in pursuance of the authority hereby conferred, report the same to the Secretary of the Interior for submission to Congress for its consideration and ratification.

Available.

"For the purposes aforesaid there is hereby appropriated, out of any money in the Treasury of the United States, the sum of fifty thousand dollars, to be immediately available.

Right of sovereignty of the United States not waived, etc.

"Neither the provisions of this section nor the negotiations or agreements which may be had or made thereunder shall be held in any way to waive or impair any right of sovereignty which the Government of the United States has over or respecting said Indian Territory or the people thereof, or any other right of the Government relating to said Territory, its lands, or the people thereof." (1893, March 3, ch. 209, 27 Stat. L., 645.)

Commission to negotiate for lands of civilized Indians.

"For continuing the work of the Commission appointed under section sixteen of the Act entitled 'An Act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes for fiscal year ending June thirtieth, eighteen hundred and ninety-four,' approved March third, eighteen hundred and ninety-three, including the unexpended balance of the present appropriation, thirty thousand dollars, to be immediately available;

Additional members.

"and the President is hereby authorised to appoint two additional members of said Commission, who shall receive the compensation and expenses provided in said Act for members of said Commission;

"*Provided*, That so much of said Act as authorizes the employment of a stenographer and a surveyor, or other assistant or agent, is hereby repealed." (1895, March 2, ch. 189, 28 Stat. L., 939.) * * *

Present tribal rolls confirmed. Post p. 88.

And provided, further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date therof.

Powers of commission.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes:

Appeal to U. S court. 1902, ch. 1362, post p. 777.

Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this Act, it or he may appeal from such decision to the United States district court:[d]

—limitation.

Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

—judgment final.

Roll of tribal citizenship. Post p. 88.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

—to be filed in Indian Office.

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

—of freedmen.

And said commission shall also make a roll of freedmen entitled to citizenship in said tribes and shall include their names in the lists of members to be filed with the Commissioner of Indian Affairs.

Report on lease etc.

And said commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount and value of the property leased and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

Government to be established in Indian Territory.

It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory and afford needful protection to the lives and property of all citizens and residents thereof.[e] * * *

[29 Stat., 340.]

Leases by allottees permitted.

That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability, any allottee of

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[d] The court here referred to is the United States court in the Indian Territory, established by 1889, March 1, chapter 333 (ante, p. 39), and whose powers were enlarged by 1890, March 2, chapter 182, sections 29-43 (ante, p. 47). The holding of the court in separate districts was provided for, and the number of judges increased, by 1895, March 1, chapter 145 (ante, p. 70).

[e] For review of laws relative to the Indian Territory see 1889, March 1, chapter 333, note [a] (ante, p. 39).

Indian lands under this or former Acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased in the discretion of the Secretary upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes. * * *

[29 Stat., 342.]
Homestead settlers' payments extended one year.

That the homestead settlers on all ceded Indian reservations be, and they are hereby, granted an extension of one year in which to make payments as now provided by law. * * *

[29 Stat., 343.]
Indian Territory.
Survey of lands.

Surveying lands in the Indian Territory: For the completion of the survey of the lands in the Indian Territory, two hundred thousand dollars, or so much thereof as may be necessary, to be immediately available:

—by Geological Survey.

Provided, That the surveys herein authorized, or any part of them, in the Indian Territory shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose.

—rectangular system, etc.

And such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law:

Plats, field notes, etc.

Provided further, That when any surveys shall have been so made and plats and field notes thereof prepared, they shall be approved and certified to by the Director of the Geological Survey, and two copies thereof shall be returned, one for filing in the Indian Office and one in the General Land Office;

—effect.

and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general:

Inconsistent laws.

Provided further, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys:

Boundary monuments.

Provided further, That hereafter, in the public land surveys of the Indian Territory, iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public land surveys; also, that similar monuments shall be established at the corners of the townships that have been already surveyed by the Geological Survey:

—cost limited.

And provided further, That the entire cost and transportation of such monuments to the Indian Territory shall not exceed five thousand dollars, and the cost of the setting of the monuments in the areas already surveyed shall not exceed two thousand five hundred dollars:

Injuring survey posts, etc., forbidden.

Provided further, That hereafter it shall be unlawful for any person to destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a Government survey, or to deface, change, or remove any monument or bench mark of any Government survey.

—penalty.

That any person who shall offend against any of the provisions of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court shall be fined not exceeding two hundred and fifty dollars, or be imprisoned not more than one hundred days.

Fines; informer.

All the fines accruing under this paragraph shall be paid into the Treasury, and the informer in each case of conviction shall be paid the sum of twenty-five dollars. * * * [*June 10, 1896.*]

ACTS OF FIFTY-FOURTH CONGRESS—SECOND SESSION, 1897.

Jan. 15, 1897.

CHAP. 29.—An act to reduce the cases in which the penalty of death may be inflicted.

29 Stat., 487.
Murder and rape.
Indian committing rape, how punished.

Be it enacted, &c., SEC. 5. That any Indian who shall commit the offense of rape within the limits of any Indian reservation shall be punished by imprisonment at the discretion of the court.

1885, Mar. 3, c. 341, s. 9, ante, p. 32.

So much of the ninth section of chapter three hundred and forty-one of the acts of the year eighteen hundred and eighty-five as is inconsistent herewith is herewith repealed. [*January 15, 1897.*]

CHAP. 70.—An act to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes.

Jan. 20, 1897.

29 Stat., 498.

Indian Territory.

Deputy marshals; appointments, oaths, and services validated.

Be it enacted, &c., That the appointments[a] of deputy United States marshals in the Indian Territory made by the marshal in either district of said Territory since the first day of March, eighteen hundred and ninety-five, and prior to April fifteenth, eighteen hundred and ninety-six, and all oaths taken by such deputy United States marshals in good faith, and all acts and services rendered by such deputy United States marshals in pursuance of law and in good faith, are hereby ratified and validated.

Accounts, how approved.

All accounts for the payment of such deputy United States marshals shall be subject to the approval of the Attorney-General.

Marshal's bond $20,000.

SEC. 2. That hereafter United States marshals in said Territory shall give bond, with two or more sureties to be approved by the judge of said district, in the sum of twenty thousand dollars,[b] conditioned as by law required in regard to the bond of other United States marshals:

—not exceeding $50,000 may be required.

Provided, That whenever the business of the courts in said Territory shall make it necessary, in the opinion of the Attorney-General, for the United States marshal of any district therein to furnish greater security than the official bond herein required, a bond in the sum not exceeding fifty thousand dollars shall be given by said marshal when required by the Attorney-General, who shall fix the amount thereof. [*January 20, 1897.*]

CHAP. 109.—An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes.[c]

Jan. 30, 1897.

29 Stat., 506.

Intoxicants.

Be it enacted, &c., That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine,

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[a] As to authority to appoint deputies, see 1895, March 1, chapter 145, section 2 (ante 71). This same act provides, in case of emergency, for as many deputy marshals as the marshal deems necessary for the enforcement of law and the suppression of crime (ante p. 72).

The necessity for this provision is stated in the letter of the Attorney-General which is found in Senate Report No. 909, Fifty-fourth Congress, first session, a portion of which is as follows:

"Section 782 of the Revised Statutes of the United States provides that United States deputy marshals shall take a certain oath before the district judge. It provides further that in case a person who is appointed deputy marshal resides and is more than 20 miles from the place where the district judge resides and is, he may take the oath before certain officials therein named, and that such oath shall be valid only when certified to the district judge by the official who administered it.

"It appears that quite a number of oaths were administered to deputy marshals by officers named in the section referred to when it does not appear that the judge was away from the place where the appointment was made, and such oaths have not been certified to the district judge. In many cases it is impossible to remedy this defect at this late date. It appears that a large number of oaths were administered to deputy marshals by the clerk of the court, who is not named in the section referred to as being authorized to administer oaths to deputy marshals when the judge is away."

Provision for the future is made by 1896, December 22, chapter 3 (29 stat. 479)

[b] The bond of the marshal is fixed at $10,000 by 1895, March 1, chapter 145, section 2 (ante p. 71).

[c] Revised Statutes, section 2139 is re-enacted with amendments, by 1892, July 23, chapter 234 (ante, p. 63). The above act enlarges the provisions of the act of 1892 by amplifying the definitions of the forbidden liquors and providing more specifically the classes of Indians affected. The latter portion of the first section of the above act is substantially repeated from the act of 1892. The former act contains provisions in regard to the procedure, which are apparently not affected by the above act.

As to status of Indian allottees, see 41 Fed. Rep., 705; 64 Fed. Rep., 417.

As to sale of intoxicants to Indians in Alaska see act of 1899, March 3, chapter 429, section 142 (post, p. 104).

Sale of intoxicants forbidden.

or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication,

—to allotees, when.

to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government,

—to Indians under agent.

or to any Indian award of the Government under charge of any Indian superintendent or agent,

—to Indian wards.

or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship,

Introduction into Indian country forbidden.

and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country,

"Indian country" defined.

which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States,

Penalty.

shall be punished by imprisonment for not less than sixty days, and by a fine of not less than one hundred dollars for the first offense and not less than two hundred dollars for each offense thereafter:

Committed until fine paid.

Provided however, That the person convicted shall be committed until fine and costs are paid.

Authority from War Department a defense.
1884, July 4, ch. 180, par. 4, ante, p. 31.

But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department.

Repeal.
1892, July 23, ch. 234, ante, p. 62.

SEC. 2. That so much of the Act of the twenty-third day of July, eighteen hundred and ninety-two, as is inconsistent with the provisions of this Act is hereby repealed. [*January 30, 1897.*]

Feb. 3, 1897.

CHAP. 136.—An act relating to mortgages in the Indian Territory.

29 Stat., 510.
Indian Territory.
Mansfield's Digest, Laws of Ark., sec. 4742.

Be it enacted, &c., That section forty-seven hundred and forty-two of Mansfield's Digest of the Laws of Arkansas, (a) heretofore put in force in the Indian Territory, is hereby amended by adding to said section the following: (b)

Mortgage of nonresident, where recorded.

"*Provided*, That if the mortgagor is a nonresident of the Indian Territory the mortgage shall be recorded in the judicial district in which the property is situated at the time the mortgage is executed.

Existing mortgages of personalty validated.

All mortgages of personal property in the Indian Territory heretofore executed and recorded in the judicial district thereof in which the property was situated at the time they were executed are hereby validated." [*February 3, 1897.*]

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[a] Certain general laws of the State of Arkansas, as published in Mansfield's Digest of the Statutes of Arkansas, which are not locally inapplicable or in conflict with the laws of Congress, are extended over and put in force in the Indian Territory by virtue of 1890, May 2, chapter 182, section 31 (ante, p. 48).

[b] Mansfield's Digest, section 4742, provides that "all mortages, whether for real or personal estate, shall be proved or acknowledged in the same manner that deeds for the conveyance of real estate are now required by law to be proved or acknowledged; and when so proved or acknowledged shall be recorded, if for lands, in the county or counties in which the lands lie, and if for personal property, in the county in which the mortgagor resides."

CHAP. 265.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

Feb. 19, 1897.
29 Stat., 598.

Be it enacted, etc.

* * * * * * *

That section twenty-four of the Act of May twenty-eighth, eighteen hundred and ninety-six, making appropriations for the Legislative, Executive, and Judicial expenses of the Government, for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes, be and is hereby amended by striking out the words "Indian Territory or," so that said Act shall apply to the Indian Territory except as herein otherwise provided:

[29 Stat., 577.]
Indian Territory.
U. S. attorney and marshal to receive a salary.
1896, May 28, c. 252, s. 19, 21, 22, 24; 29 Stat., 140.
1889, Mar. 1, c. 333, ante, p. 39.
1895, Mar. 1, c. 145, ante, p. 70.

Provided further, that the provisions of Sections nineteen, twenty-one, and twenty-two of said Act shall not apply to the Indian Territory:

U. S. commissioners, duties, etc.

Provided further, that each of the District Attorneys in the Indian Territory shall receive a salary of four thousand dollars per annum, and each of the Marshals shall receive a salary of four thousand dollars per annum. * * * [February 19, 1897.]

Salary of attorneys.
—of marshals.

NOTE.—The act of 1896, May 28, chapter 252, sections 6–24 (29 Stat., 140) abolishes the fee system of compensating United States attorneys and marshals and provides fixed salaries. The Indian Territory is expressly excluded from the operation of the act by section 24, and this act repeals the excepting clause, thereby bringing the Indian Territory under the new system.

Of the three sections not applicable to the Indian Territory (19, 21 and 22), 19 and 21 provide for United States commissioners, and 22 for the investigation of United States clerks by the Attorney-General.

United States commissioners in the Indian Territory are provided for in 1890, May 2, chapter 182 (ante, p. 53), and 1895, March 1, chapter 145 (ante, p. 72).

The sections of the act of May 28, 1896, made applicable are as follows:

"SEC. 6. That on and after the first day of July, eighteen hundred and ninety-six, all fees and emoluments authorized by law to be paid to United States district attorneys and United States marshals shall be charged as heretofore, and shall be collected, as far as possible, and paid to the clerk of the court having jurisdiction, and by him covered into the Treasury of the United States; and said officers shall be paid for their official services, which, in the case of district attorneys, shall include services in the circuit courts of appeals of their respective circuits wherever sitting, salaries and compensation hereinafter provided and not otherwise: *Provided*, That this section shall not be construed to require or authorize fees to be charged against or collected from the United States, except as provided by sections eleven and thirteen of this Act relating to field deputies and their payments.

United States courts.
Fees of marshals and attorneys to be covered in.
Salaries to be paid.
Proviso.
Charges against United States.

* * * * * * *

"SEC. 8. That whenever, in the opinion of the district judge of any district or the chief justice of any territory and the district attorney, evidenced by writing, the public interest requires it, one or more assistant district attorneys may be appointed, by the Attorney-General; but such opinion shall state to the Attorney-General the facts as distinguished from conclusions, showing the necessity therefor. Such assistant district attorneys shall be paid such salary as the Attorney-General may from time to time determine as to each, which shall in no case exceed two thousand five hundred dollars per annum: *Provided*, That the necessary expenses for lodging and subsistence actually paid, not exceeding four dollars per day and actual and necessary traveling expenses of the district attorney and his assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business shall be allowed and paid in the manner hereinafter provided.

Assistant attorneys to be appointed by Attorney-General.
R. S., sec. 363, p. 61.
Compensation.
Proviso.
Expense allowance.

"The Attorney-General is authorized to fix and declare the place of the official residence of the district attorney and of each of his assistants: *Provided*, That the said assistants must be residents of the district for which they are appointed.

Residence.
Proviso.
Assistants.

* * * * * * *

"SEC. 10. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service or attempted service of any writ, process, subpœna, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed two dollars per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided.

Office deputies and clerks.
Allowance in serving writs, etc.

ACTS OF FIFTY-FIFTH CONGRESS—FIRST SESSION, 1897.

June 7, 1897.

30 Stat., 62.

CHAP. 3.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

[30 Stat., 64.]
Fort Apache agency.
R. S., 2052.

Be it enacted, &c. * * * That a separate agency is hereby created to cover and have jurisdiction over all that portion of the White Mountain or San Carlos Reservation lying north of the Salt or Black River, to be kown as the Fort Apache Reservation, with headquarters at Fort Apache, Arizona: * * *

[30 Stat., 71.]
Oklahoma.
—jurisdiction of justice of the peace, etc., limited.

And the justices of the peace and the probate courts in and for the Territory of Oklahoma shall not have jurisdiction of any actions in civil cases against members of the Osage and Kansas tribes of Indians residing on their reservation in Oklahoma Territory,

District court to try cases against Osage, etc.

and the district court shall have exclusive jurisdiction in such actions,

—terms at Pawhuska.
1890, May 2, c. 182, ante, p. 45.
1893, Dec. 21, c. 5, ante, p. 66.

and at least two terms of such court shall be held in each year at Pawhuska on said reservation at such times as the supreme court of said Territory shall fix and determine for the trial of both civil and criminal cases. * * *

[30 Stat., 75.]
Warehouse to be established at Omaha.

That the Secretary of the Interior shall, within one year after the passage of this Act, establish and thereafter maintain at the city of

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Marshals to appoint field deputies.
R. S., sec. 780, p. 147

"SEC. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such district, who shall be known as field deputies, and, who, unless sooner removed by the district court as now provided by law shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive three-fourths of the gross fees, including mileage, as provided by law, earned by him, not to exceed one thousand five hundred dollars per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding two dollars a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided*, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of twenty-five hundred dollars nor more than three-fourths of the gross fees earned by such field deputy. The marshal, immediately after making any appointment or appointments under this section, shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment as the public interest may require. The field deputies herein provided for of the districts of California, Colorado, Washington, Montana, North Dakota, South Dakota, Nevada, Oregon, Wyoming, and Idaho shall, for the services they may perform during the fiscal year eighteen hundred and ninety-seven, receive double the fees allowed by law to like officers in other States for performing similar duties, but neither of them shall be allowed to receive of such fees any sum exceeding the aggregate compensation of such officer as provided herein.

Compensation.

Provisos.
Expenses.
Additional allowance.

Double fees to field deputies in certain States.

Expenses allowed to marshal.

"SEC. 12. That the marshal, when attending court at any place other than his official residence, and when engaged in the service or attempted service of any process, writ, or subpoena, and when otherwise necessarily absent from his official residence on official business, shall be allowed his necessary expenses for lodging and subsistence, not exceeding four dollars per day and his actual necessary traveling expenses. He shall also be allowed the actual necessary expenses in transporting prisoners, including necessary guard hire. An account of such expenses shall be made out and paid as hereinafter provided. The marshal's official residence shall be deemed to be at one of the places of holding court in the district, and the Attorney-General shall be authorized to fix and declare the place of such official residence.

Residence.

Expense accounts.

"SEC. 13. That whenever in this Act an officer is allowed actual expenses the account therefor shall be made out quarterly, in accordance with rules and regulations prescribed by the Attorney-General. When made out the account shall be verified on oath before an officer authorized to administer oaths.

Payment of expense accounts.

"The expense accounts of the marshals and their office deputies and the accounts of the field deputies shall be paid by the marshals; said accounts and the expense accounts of the district attorneys and their assistants when made out in accordance with this Act shall be submitted to and examined by the circuit court or district court of the district, and when approved by the court shall be audited and allowed as now provided by law. Each marshal shall make such returns of the earnings and

Omaha, in the State of Nebraska, a warehouse for Indian supplies, from which distributions shall be made to such Indian tribes of the West and Northwest as the Secretary of the Interior may direct:

—building to be furnished free.

Provided, That the city of Omaha shall provide, equip, and furnish a building suitable for this purpose free of cost to the United States. * * *

[30 Stat., 79.]
No appropriation hereafter for sectarian schools.

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school:

[30 Stat., 83.]
Indians to be employed as assistant matrons, farmers, etc.
R. S., 2068; 1875, c. 163, s. 6, ante, p. 29.

That hereafter the Commissioner of Indian Affairs shall employ Indian girls as as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so. * * *

Mar. 3, c. 132, s. 5, ante, p. 24; 1882, May 17

Indian Territory.
1896, June 10, c. 398, ante, p. 79; 1898, June 28, c. 517, post, p. 91; 1899, Mar. 1, c. 324, post, p. 102.

That the commission appointed to negotiate with the Five Civilized Tribes in the Indian Territory shall examine and report to Congress whether the Mississippi Choctaws under their treaties are not entitled to all the rights of Choctaw citizenship except an interest in the Choctaw annuities:

—jurisdiction of U. S. courts and commissioners.
1890, May 2, c. 182, s. 29, 30, ante, p. 47.

Provided further, That on and after January first, eighteen hundred and ninety-eight, the United States courts in said Territory shall have original and exclusive jurisdiction and authority to try and determine all civil causes in law and equity thereafter instituted and all criminal

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expenses of his office as shall be required under rules and regulations prescribed by the Attorney-General: *Provided*, That no office or field deputy shall receive compensation as bailiff, and no field deputy shall receive fees for representing the marshal in court.

Proviso.
Compensation forbidden.

"SEC. 14. That the necessary office expenses of the district attorneys and marshals shall be allowed when authorized by the Attorney-General.

Office expenses, attorneys and marshals.

"SEC. 15. That the district attorney of any judicial district, when the facts showing the necessity therefor are certified by the district judge to the Attorney-General, may, with the approval of the Attorney-General, and no longer than such approval lasts, employ necessary clerical assistance at such salary or salaries as shall be from time to time fixed by the Attorney-General.

Extra clerical assistance.

"SEC. 16. That all salaries provided by sections six to fifteen, inclusive, of this Act shall be paid monthly by the Department of Justice.

Salaries payable monthly.

"SEC. 17. That sections six to fifteen, inclusive, of this Act shall not be so construed as to prevent or affect the amount or taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors.

Costs.

"SEC. 18. That any officer whose compensation is fixed by section six to fifteen, inclusive, of this Act who shall directly or indirectly demand, receive, or accept any fee or compensation for the performance of any official service other than is herein provided, or shall willfully fail or neglect to account to or pay over to the proper officer any fee received or collected by him shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment, at the discretion of the court, not exceeding five years, or by both such fine and imprisonment.

Punishment for accepting illegal fees, etc.

* * * * * * *

"SEC. 20. That no marshal or deputy marshal, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, except as in this Act provided, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver, or receivers in any case or cases now pending or that may hereafter be brought in the courts of the United States.

Persons disqualified for commissioners.

Receivers.

* * * * * * *

"SEC. 23. The Attorney-General shall, in his annual report to Congress each year, include a statement in detail showing for the preceding fiscal year the number of assistant district attorneys employed, the salaries of each; the number of clerical assistants employed for each district attorney, the salaries of each; the amount expended for necessary subsistence, and actual and necessary traveling expenses of each district attorney and his assistants; the number of office deputies and clerical assistants employed for each marshal, the salaries paid to each; the amount expended for necessary subsistence and actual and necessary traveling expenses of each marshal and his office deputies, and the number of field deputy marshals employed by each marshal and the amount of fees earned by and the compensation paid to each of them out of such fees."

Annual report of Attorney-General.
Detailed statement required.

causes for the punishment of any offense committed after January first, eighteen hundred and ninety-eight, by any person in said Territory,

—same, s. 36, ante, p. 51.

and the United States commissioners in said Territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said Territory;

—laws applicable, irrespective of race.
1895, Mar. 1, c. 145, s. 4, ante, p. 72.

and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes;

—citizen of tribe may be juror.

and any citizen of any one of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts.

Authority of commission continued.

That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this Act if it conflict therewith as to said nation.

"Rolls of citizenship" defined.
1896, June 10, c. 398, ante, p. 81.

—approved authenticated roll.

Provided, That the words "rolls of citizenship," as used in the Act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the commission under the Act of June tenth, eighteen hundred and ninety-six.

—investigation of names.
—names stricken from rolls.

And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this Act. And any name appearing on such rolls and not confirmed by the act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation:

Right of appeal.

Provided, also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the Act of June tenth, eighteen hundred and ninety-six.

Approval of acts, etc., of Five Civilized Tribes.

That on and after January first, eighteen hundred and ninety-eight, all acts, ordinances, and resolutions of the council of either of the aforesaid Five Tribes passed shall be certified immediately upon their passage to the President of the United States and shall not take effect, if disapproved by him, or until thirty days after their passage:

—adjournment resolutions, etc., excepted.

Provided, That this Act shall not apply to resolutions for adjournment, or any acts, or resolutions, or ordinances in relation to negotiations with commissioners heretofore appointed to treat with said tribes.

Additional judge for Territory.
Post, p. 120.

That there shall be appointed by the President, by and with the advice and consent of the Senate, one additional judge for said Territory;[a]

—terms of court, etc.

—at Wagoner.

and the appellate court of said Territory shall designate the places in the several judicial districts therein at which and the times when such judge shall hold court, and courts shall be held at the places now provided by law and at the town of Wagoner and at such other places as shall be designated by said appellate court;

—member of appellate court.

and said judge shall be a member of the appellate court, and shall have all authority, exercise all powers, perform like duties, and receive the same salary as other judges of said courts, and shall serve for a term of four years from the date of appointment:

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[a] The United States Court in the Indian Territory is provided for by the acts of 1889, ch. 333, ante p. 39; 1890, ch. 182, sec. 29-43, ante p. 47; 1895 ch. 145, ante p. 71; 1898 ch. 517, post p. 90.

Provided, That no one of said judges shall sit in the hearing of any case in said appellate court which was decided by him. * * *

When judge ineligible.
1889, Mar. 1, c. 333, ante, p. 39. 1890, May 2, c. 182, ante, p. 45. 1895, Mar. 1, c. 145, ante, p. 70. 1898, June 28, c. 517, post, p. 90.

[30 Stat., 86.]
Expense of transporting employees' remains forbidden.

That hereafter the heads of Departments shall not authorize any expenditure in connection with transportation of remains of deceased employees, except when otherwise specifically provided by law. * * *

1893, Mar. 3, c. 211, s. 3, 4, ante, p. 65.
[30 Stat., 87.]
Extension of time to settlers, etc.

That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension of one year, in addition to the extensions heretofore granted, in which to make payments as now provided by law.

* * *

[30 Stat., 90.]
Limit to expenditures for employees at agencies, etc.

That hereafter not more than ten thousand dollars shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior and none other shall be employed:

—at consolidated agencies.
R. S., 2059.

Provided, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed fifteen thousand dollars:

—list of excepted employees.

Provided further, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.

Dead timber may be cut, etc., by Minnesota Indians.
1889, Feb. 16, c. 172, ante, p. 39.

The Secretary of the Interior may in his discretion, from year to year, under such regulations as he may prescribe, authorize the Indians residing on any Indian reservation in the State of Minnesota, whether the same has been allotted in severalty or is still unallotted, to fell, cut, remove, sell or otherwise dispose of the dead timber, standing or fallen, on such reservation or any part thereof, for the sole benefit of such Indians; and he may also in like manner authorize the Chippewa Indians of Minnesota who have any interest or right in the proceeds derived from the sales of ceded Indian lands or the timber growing thereon, whereof the fee is still in the United States, to fell, cut, remove, sell or otherwise dispose of the dead timber, standing or fallen, on such ceded land.

—by Chippewa Indians.
Post, p. 755.
Post, p. 761.

—when authority withheld.
1888, June 4, c. 340, ante, p. 37.

But whenever there is reason to believe that such dead timber in either case has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this Act, then in that case such authority shall not be granted.

Children of white man and Indian woman.

That all children born of a marriage heretofore solemnized between a white man and an Indian woman by blood and not by adoption, where said Indian woman is at this time, or was at the time of her death, recognized by the tribe shall have the same rights and privileges to the property of the tribe to which the mother belongs, or belonged at the time of her death, by blood, as any other member of the tribe, and no prior Act of Congress shall be construed as to debar such child of such right. * * *

—to have rights of mother.
1888, Aug. 9, c. 818, ante, p. 38.

[30 Stat., 93.]
Insufficient appropriations, how supplied.
1875, Mar. 3, c. 132, ante, p. 23.

SEC. 11. That hereafter, where funds appropriated in specific terms for a particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available may, in the discretion of the Secretary of the Interior, be used to accomplish the object for which the specific appropriation was made. * * * [*June 7, 1897.*]

ACTS OF FIFTY-FIFTH CONGRESS—SECOND SESSION, 1898.

May 28, 1898.

30 Stat., 421.

CHAP. 367.—An act to amend sections ten and thirteen of an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April twenty-second, eighteen hundred and ninety-eight.

Substitute for 1898, Apr. 22, c. 187, s. 13, 30 Stat., 363.

Appointment of officers of Regular to Volunteer Army.

Be it enacted, &c., SEC. 2. That section thirteen of said Act is amended so as to read as follows:

That the governor of any State or Territory may, with the consent of the President, appoint officers of the Regular Army in the grades of field officers in organizations of the Volunteer Army,

—of District of Columbia and Indian Territory.

and the President may appoint officers of the Regular Army in the grade of field officers in organizations of the Volunteer Army raised in the District of Columbia and the Indian Territory. * * * *May 28, 1898.*]

June 4, 1898.

30 Stat., 431.

Indian Territory.

CHAP. 378.—An act granting additional powers to railroad companies operating lines in the Indian Territory.[a]

Railroads may lease connecting lines.

See 1902, ch. 134, post, p. 114.

—may use and operate same.

Be it enacted, &c., That it shall and may be lawful for any company operating a line of railroad, either wholly or partially, in the Indian Territory to enter into contracts for the use or lease of the railroad and other property of any railroad company whose line may now or hereafter connect with its line upon such terms as may be agreed upon by the respective companies, and to use and operate such road or roads in accordance with the terms of such contract or lease, but subject to the obligations imposed upon the respective companies by their charters or by the laws of the United States or of the State or Territory in which such leased road may be situate:

Parallel and competing lines excepted.

Provided, That the terms of this Act shall not apply to parallel or competing lines. [*June 4, 1898.*]

June 28, 1898.

30 Stat., 495.

CHAP. 517.—An act for the protection of the people of the Indian Territory, and for other purposes.[b]

Indian Territory.

"Officer" defined.

1895, Mar. 1, c. 145, s. 4, ante, p. 72.

Be it enacted, &c., That in all criminal prosecutions in the Indian Territory against officials for embezzlement, bribery, and embracery the word "officer," when the same appears in the criminal laws heretofore extended over and put in force in said Territory, shall include all officers of the several tribes or nations of Indians in said Territory.

Tribe to be made party in suits affecting tribal property.

SEC. 2. That when in the progress of any civil suit, either in law or equity, pending in the United States court in any district in said Territory, it shall appear to the court that the property of any tribe is in any way affected by the issues being heard, said court is hereby authorized and required to make said tribe a party to said suit by service upon the chief or governor of the tribe, and the suit shall thereafter be conducted and determined as if said tribe had been an original party to said action.

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[a] By 1896, April 25, chapter 141 (ante, p. 77), railroad companies in Indian Territory were granted additional powers to secure depot grounds.

By 1894, August 8, chapter 236 (ante, p. 66), railroads on rights of way in the Territories were required to have stations at town sites.

By 1898, May 11, chapter 292 (30 stat. 404), provision is made for right of way for tramroads, canals, and reservoirs on public lands.

By 1899, March 2, chapter 374 (post, p. 102), general provision is made for the acquiring of rights of way for railroads through Indian lands, reservations, and allotments.

By 1902, February 28, chapter 134, sections 13–23, post p. 114, general provision is made for acquiring rights of way for railroads through the Indian Territory.

[b] By 1896, June 10, ch. 398, ante, p. 81, it is declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the existing inequalities and afford needful protection to the lives and property of citizens and residents therein.

For a review of laws relating to the Indian Territory see 1889, March 1, ch. 333, note 1 (ante, p. 39). See also 1895, March 1, ch. 145, ante, p. 70.

See also 1897, June 7, ch. 3, ante, p. 87, relative jurisdiction of courts, etc., in Indian Territory.

—service.

United States courts—jurisdiction over controverted claims to membership.
Post, p. 786.

—judgment removing party, etc.

SEC. 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may claim to hold as members of a tribe and whose membership is denied by the tribe, but who continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right are disallowed by the commission to the Five [*Civilized*] Tribes, or the United States court, and the judgment has become final, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same:

Defense of noncitizen holding under lease.

—value of improvements, etc.

—extension of possession as compensation.

Provided always, That any person being a noncitizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January first, eighteen hundred and ninety-eight, may, as to lands not exceeding in amount one hundred and sixty acres, in defense of any action for the possession of said lands show that he is and has been in peaceable possession of such lands, and that he has while in such possession made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such persons should be charged the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amount of rents exceed the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue.

Possession by intruders denied citizenship.
1896, June 10, ch. 398, ante, p. 79.

—sale of improvements.

SEC. 4. That all persons who have heretofore made improvements on lands belonging to any one of the said tribes of Indians, claiming rights of citizenship, whose claims have been decided adversely under the Act of Congress approved June tenth, eighteen hundred and ninety-six, shall have possession thereof until and including December thirty-first, eighteen hundred and ninety-eight; and may, prior to that time, sell or dispose of the same to any member of the tribe owning the land who desires to take the same in his allotment:

—improvements appraised and paid.

Provided, That this section shall not apply to improvements which have been appraised and paid for or payment tendered by the Cherokee Nation under the agreement with the United States approved by Congress March third, eighteen hundred and ninety-three.

Notice to quit.

—method of service.

SEC. 5. That before any action by any tribe or person shall be commenced under section three of this Act it shall be the duty of the parties bringing the same to notify the adverse party to leave the premises for the possession of which the action is about to be brought, which notice shall be served at least thirty days before commencing the action by leaving a written copy with the defendant, or, if he can not be found by leaving the same at his last known place of residence or business with any person occupying the premises over the age of twelve years, or, if his residence or business address can not be ascertained, by leaving the same with any person over the age of twelve years upon the premises sought to be recovered and described in said notice; and if there be no person with whom said notice can be left, then by posting same on the premises.

Complaint to be filed by chief, etc.

SEC. 6. That the summons shall not issue in such action until the chief or governor of the tribe, or person or persons bringing suit in his own behalf, shall have filed a sworn complaint, on behalf of the tribe or himself, with the court, which shall, as near as practicable, describe the premises so detained, and shall set forth a detention without the consent of the person bringing said suit or the tribe, by one whose membership is denied by it:

—by member of tribe.

Provided, That if the chief or governor refuse or fail to bring suit in behalf of the tribe then any member of the tribe may make complaint and bring said suit.

Bond on continuance.

SEC. 7. That the court in granting a continuance of any case, particularly under section three, may, in its discretion, require the party applying therefor to give an undertaking to the adverse party, with good and sufficient securities, to be approved by the judge of the court, conditioned for the payment of all damages and costs and defraying the rent which may accrue if judgment be rendered against him.

Judgment of restitution.

—execution.

—levy.

—costs.

SEC. 8. That when a judgment for restitution shall be entered by the court the clerk shall, at the request of the plaintiff or his attorney, issue a writ of execution thereon, which shall command the proper officer of the court to cause the defendant or defendants to be forthwith removed and ejected from the premises and the plaintiff given complete and undisturbed possession of the same. The writ shall also command the said officer to levy upon the property of the defendant or defendants subject to execution, and also collect therefrom the costs of the action and all accruing costs in the service of the writ. Said writ shall be executed within thirty days.

Extension of police powers of Fort Smith.
1896, Mar. 1, c. 145, s. 4, ante, p. 72.

—laws for preservation of peace and health.

SEC. 9. That the jurisdiction of the court and municipal authority of the city of Fort Smith for police purposes in the State of Arkansas is hereby extended over all that strip of land in the Indian Territory lying and being situate between the corporate limits of the said city of Fort Smith and the Arkansas and Poteau rivers, and extending up the said Poteau River to the mouth of Mill Creek; and all the laws and ordinances for the preservation of the peace and health of said city, as far as the same are applicable, are hereby put in force therein:

No tax to be levied on tribe.

Provided, That no charge or tax shall ever be made or levied by said city against said land or the tribe or nation to whom it belongs.

Time within which to bring actions.

—for forcible entry, etc.
1890, May 2, ch. 182, s. 31, ante, p. 48.

SEC. 10. That all actions for restitution of possession of real property under this Act must be commenced by the service of a summons within two years after the passage of this Act, where the wrongful detention or possession began prior to the date of its passage; and all actions which shall be commenced hereafter, based upon wrongful detention or possession committed since the passage of this Act must be commenced within two years after the cause of action accrued. And nothing in this Act shall take away the right to maintain an action for unlawful and forcible entry and detainer given by the Act of Congress passed May second, eighteen hundred and ninety (Twenty-sixth United States Statutes, page ninety-five).

Allotment by "Dawes Commission."
1896, June 10, ch. 398, note *c*, ante, p. 79; 1887, Feb. 8, ch. 119, ante, p. 33.

SEC. 11. That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the "Dawes Commission," shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; but all oil, coal, asphalt, and mineral deposits in the lands of any tribe are reserved to such tribe, and no allotment of such lands shall carry the title to such oil, coal, asphalt, or mineral deposits; and all town sites shall also be reserved to the several tribes, and shall be set apart by the commission heretofore mentioned as incapable of allotment. There shall also be reserved from allotment a sufficient amount of lands now occupied by churches, schools, parsonages, charitable institutions, and other public buildings for their present actual and necessary use, and no more, not to exceed five acres for each school and one acre for each church and each parsonage, and for such new schools as may be needed; also sufficient land for burial grounds where necessary. When such allotment of the lands of any tribe has been by them completed, said commission shall make full report thereof to the Secretary of the Interior for his approval:

Reservation of mineral deposits.

—for town sites.

—for churches, schools, etc.

—for burial grounds.

Report.

Provided, That nothing herein contained shall in any way affect any vested legal rights which may have been heretofore granted by Act of Congress, nor be so construed as to confer any additional rights upon any parties claiming under any such act of Congress:

Vested legal rights not affected, etc.

Provided further, That whenever it shall appear that any member of a tribe is in possession of lands, his allotment may be made out of the lands in his possession, including his home if the holder so desires:

Allotment out of lands in possession.

Provided further, That if the person to whom an allotment shall have been made shall be declared, upon appeal as herein provided for, by any of the courts of the United States in or for the aforesaid Territory, to have been illegally accorded rights of citizenship, and for that or any other reason declared to be not entitled to any allotment, he shall be ousted and ejected from said lands; that all persons known as intruders who have been paid for their improvements under existing laws and have not surrendered possession thereof who may be found under the provisions of this Act to be entitled to citizenship shall, within ninety days thereafter, refund the amount so paid them, with six per centum interest, to the tribe entitled thereto; and upon their failure so to do said amount shall become a lien upon all improvements owned by such person in such Territory, and may be enforced by such tribe; and unless such person makes such restitution no allotments shall be made to him:

Ouster of illegal allottee.

Refund by intruders, etc.

—lien upon improvements.

Provided further, That the lands allotted shall be nontransferable until after full title is acquired and shall be liable for no obligations contracted prior thereto by the allottee, and shall be nontaxable while so held:

Allotments nontransferable, etc.

Provided further, That all towns and cities heretofore incorporated or incorporated under the provisions of this Act are hereby authorized to secure, by condemnation or otherwise, all the lands actually necessary for public improvements, regardless of tribal lines; and when the same can not be secured otherwise than by condemnation, then the same may be acquired as provided in sections nine hundred and seven and nine hundred and twelve, inclusive, of Mansfield's Digest of the Statutes of Arkansas.

Acquisition by town of lands for public improvements.

SEC. 12. That when report of allotments of lands of any tribe shall be made to the Secretary of the Interior, as hereinbefore provided, he shall make a record thereof, and when he shall confirm such allotments the allottees shall remain in peaceable and undisturbed possession thereof, subject to the provisions of this Act.

Confirmation of allotments.

SEC. 13. That the Secretary of the Interior is hereby authorized and directed from time to time to provide rules and regulations in regard to the leasing of oil, coal, asphalt, and other minerals in said Territory, and all such leases shall be made by the Secretary of the Interior; and any lease for any such minerals otherwise made shall be absolutely void. No lease shall be made or renewed for a longer period than fifteen years, nor cover the mineral in more than six hundred and forty acres of land, which shall conform as nearly as possible

Lease of oil, etc., lands.
Post, p. 727.
Post, p. 739.

—how made.

—duration and extent.

—payment of royalty.
—credit, etc.
—lease void on failure to pay.
Damage for mining operations, etc.

to the surveys. Lessees shall pay on each oil, coal, asphalt, or other mineral claim at the rate of one hundred dollars per annum, in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years, and five hundred dollars, in advance, for each succeeding year thereafter, as advanced royalty on the mine or claim on which they are made. All such payments shall be a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments; and all lessees must pay said annual advanced payments on each claim, whether developed or undeveloped; and should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance shall then become and be the money and property of the tribe. Where any oil, coal, asphalt, or other mineral is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land, by the lessee or party operating the same, before operations begin:

Leasehold sanctioned by Congress not affected.
—royalties, etc.

Provided, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties as herein provided, when such leases are not operated, to the rate of royalty on coal mined, and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases:

Preference in releasing to parties in possession.
—allowance for improvements.
Rate of royalty to be fixed by Secretary of Interior.

And provided further, That when, under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of oil, coal, asphalt, or other mineral deposits, and possession has been taken thereunder and improvements made for the development of such oil, coal, asphalt, or other mineral deposits, by lessees or their assigns, which have resulted in the production of oil, coal, asphalt, or other mineral in commercial quantities by such lessees or their assigns, then such parties in possession shall be given preference in the making of new leases, in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvements of such lessees, and in all cases of the leasing or renewal of leases of oil, coal, asphalt, and other mineral deposits preference shall be given to parties in possession who have made improvements. The rate of royalty to be paid by all lessees shall be fixed by the Secretary of the Interior.

Incorporation of towns.
Post, p. 727.
—record of papers, etc.
Voters.

SEC. 14. That the inhabitants of any city or town in said Territory having two hundred or more residents therein may proceed, by petition to the United States court in the district in which such city or town is located, to have the same incorporated as provided in chapter twenty-nine of Mansfield's Digest of the Statutes of Arkansas, if not already incorporated thereunder; and the clerk of said court shall record all papers and perform all the acts required of the recorder of the county, or the clerk of the county court, or the secretary of state, necessary for the incorporation of any city or town as provided in Mansfield's Digest, and such city or town government, when so authorized and organized, shall possess all the powers and exercise all the rights of similar municipalities in said State of Arkansas. All male inhabitants of such cities and towns over the age of twenty-one years, who are citizens of the United States or of either of said tribes, who have resided therein more than six months next before any election held

Powers of mayors.

1895, Mar. 1, c. 145, sec. 4, ante p. 72.

—fees.

Marshal to execute process.

—fees.

under this Act, shall be qualified voters at such election. That mayors of such cities and towns, in addition to their other powers, shall have the same jurisdiction in all civil and criminal cases arising within the corporate limits of such cities and towns as, and coextensive with, United States commissioners in the Indian Territory, and may charge, collect, and retain the same fees as such commissioners now collect and account for to the United States; and the marshal or other executive officer of such city or town may execute all processes issued in the exercise of the jurisdiction hereby conferred, and charge and collect the same fees for similar services, as are allowed to constables under the laws now in force in said Territory.

Elections, conduct of.

—equal rights.

Taxation.

—council to provide for assessments, etc.

All elections shall be conducted under the provisions of chapter fifty-six of said digest, entitled "Elections," so far as the same may be applicable; and all inhabitants of such cities and towns, without regard to race, shall be subject to all laws and ordinances of such city or town governments, and shall have equal rights, privileges, and protection therein. Such city or town governments shall in no case have any authority to impose upon or levy any tax against any lands in said cities or towns until after title is secured from the tribe; but all other property, including all improvements on town lots, which for the purposes of this Act shall be deemed and considered personal property, together with all occupations and privileges, shall be subject to taxation. And the councils of such cities and towns, for the support of the same and for school and other public purposes, may provide by ordinance for the assessment, levy, and collection annually of a tax upon such property, not to exceed in the aggregate two per centum of the assessed value thereof, in manner provided in chapter one hundred and twenty-nine of said digest, entitled "Revenue," and for such purposes may also impose a tax upon occupations and privileges.

Free schools.

Such councils may also establish and maintain free schools in such cities and towns, under the provisions of sections sixty-two hundred and fifty-eight to sixty-two hundred and seventy-six, inclusive, of said digest, and may exercise all the powers conferred upon special school districts in cities and towns in the State of Arkansas by the laws of said State when the same are not in conflict with the provisions of this Act.

Laws of Arkansas in force.

1890, May 2, c. 182, s. 31, 33, ante, p. 48.

—to be made applicable.

For the purposes of this section all the laws of said State of Arkansas herein referred to, so far as applicable, are hereby put in force in said Territory; and the United States court therein shall have jurisdiction to enforce the same, and to punish any violation thereof, and the city or town councils shall pass such ordinances as may be necessary for the purpose of making the laws extended over them applicable to them and for carrying the same into effect:

Sale of intoxicating liquors forbidden.

1895, Mar. 1, c. 145, s. 8, ante, p. 74. 1890, May 2, ch. 182, s. 34, ante, p. 51. 1892, July 23, ch. 234, ante, p. 66. 1897, Jan. 30, ch. 109, ante p. 83.

—prosecutions.

Provided, That nothing in this Act, or in the laws of the State of Arkansas, shall authorize or permit the sale, or exposure for sale, of any intoxicating liquor in said Territory, or the introduction thereof into said Territory; and it shall be the duty of the district attorneys in said Territory and the officers of such municipalities to prosecute all violators of the laws of the United States relating to the introduction of intoxicating liquors into said Territory, or to their sale, or exposure for sale, therein:

Transfer of leases.

Provided further, That owners and holders of leases or improvements in any city or town shall be privileged to transfer the same.

Commission to lay out town sites.

1900, May 31, ch. 598, post, p. 105.

—appointment.

1901, Mar. 3, ch. 832, post, p. 112.

SEC. 15. That there shall be a commission in each town for each one of the Chickasaw, Choctaw, Creek, and Cherokee tribes, to consist of one member to be appointed by the executive of the tribe, who shall not be interested in town property, other than his home; one person to be appointed by the Secretary of the Interior, and one member to be selected by the town. And if the executive of the tribe or the town fail to select members as aforesaid, they may be selected and appointed by the Secretary of the Interior.

—surveys, etc.
—filing of plats, etc.
Appraisal of town lots.
—improvements.
—approval.

Said commissions shall cause to be surveyed and laid out town sites where towns with a present population of two hundred or more are located, conforming to the existing survey so far as may be, with proper and necessary streets, alleys, and public grounds, including parks and cemeteries, giving to each town such territory as may be required for its present needs and reasonable prospective growth; and shall prepare correct plats thereof, and file one with the Secretary of the Interior, one with the clerk of the United States court, one with the authorities of the tribe, and one with the town authorities. And all town lots shall be appraised by said commission at their true value, excluding improvements; and separate appraisements shall be made of all improvements thereon; and no such appraisement shall be effective until approved by the Secretary of the Interior, and in case of disagreement by the members of such commission as to the value of any lot, said Secretary may fix the value thereof.

Owner of improvements to deposit appraised value, etc.

The owner of the improvements upon any town lot, other than fencing, tillage, or temporary buildings, may deposit in the United States Treasury, Saint Louis, Missouri, one-half of such appraised value; ten per centum within two months and fifteen per centum more within six months after notice of appraisement, and the remainder in three equal annual installments thereafter, depositing with the Secretary of the Interior one receipt for each payment, and one with the authorities of the tribe, and such deposit shall be deemed a tender to the tribe of the purchase money for such lot.

—sale of lot on failure of owner to make deposit.
—deposit for improvements, etc.

If the owner of such improvements on any lot fails to make deposit of the purchase money as aforesaid, then such lot may be sold in the manner herein provided for the sale of unimproved lots; and when the purchaser thereof has complied with the requirements herein for the purchase of improved lots he may, by petition, apply to the United States court within whose jurisdiction the town is located for condemnation and appraisement of such improvements, and petitioner shall, after judgment, deposit the value so fixed with the clerk of the court; and thereupon the defendant shall be required to accept same in full payment for his improvements or remove same from the lot within such time as may be fixed by the court.

Appraisal and sale of improved town lots.
—payments.

All town lots not improved as aforesaid shall belong to the tribe, and shall be in like manner appraised, and, after approval by the Secretary of the Interior, and due notice, sold to the highest bidder at public auction by said commission, but not for less than their appraised value, unless ordered by the Secretary of the Interior; and purchasers may in like manner make deposits of the purchase money with like effect, as in case of improved lots.

Parks, cemeteries, etc.

The inhabitants of any town may, within one year after the completion of the survey thereof, make such deposit of ten dollars per acre for parks, cemeteries, and other public grounds laid out by said commission with like effect as for improved lots; and such parks and public grounds shall not be used for any purpose until such deposits are made.

Deed.
Per capita payment of proceeds of sale.

The person authorized by the tribe or tribes may execute or deliver to any such purchaser, without expense to him, a deed conveying to him the title to such lands or town lots; and thereafter the purchase money shall become the property of the tribe; and all such moneys shall, when titles to all the lots in the towns belonging to any tribe have been thus perfected, be paid per capita to the members of the tribe:

Reservation of miners' houses, etc.

Provided, however, That in those town sites designated and laid out under the provisions of this Act where coal leases are now being operated and coal is being mined there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines and a sufficient amount for all buildings and machinery for mining purposes:

—disposition of lands when leases cease.

And provided further, That when the lessees shall cease to operate said mines, then, and in that event, the lots of land so reserved shall be disposed of as provided for in this Act.

Royalties and rents to be paid into Treasury.

SEC. 16. That it shall be unlawful for any person, after the passage of this Act, except as hereinafter provided, to claim, demand, or receive, for his own use or for the use of anyone else, any royalty on oil, coal, asphalt, or other mineral, or on any timber or lumber, or any other kind of property whatsoever, or any rents on any lands or property belonging to any one of said tribes or nations in said Territory, or for anyone to pay to any individual any such royalty or rents or any consideration therefor whatsoever; and all royalties and rents hereafter payable to the tribe shall be paid, under such rules and regulations as may be prescribed by the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe to which they belong:

—to credit of tribe.

Retention of lands, etc., until allotment.

Provided, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him:

Disposition of timber on allotment.

Provided further, That nothing herein contained shall impair the rights of any member of a tribe to dispose of any timber contained on his, her, or their allotment.

Excessive holding of lands, etc.

SEC. 17. That it shall be unlawful for any citizen of any one of said tribes to inclose or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner inclosed, at the expiration of nine months after the passage of this Act, shall be deemed guilty of a misdemeanor.

—a misdemeanor.

Penalty.

SEC. 18. That any person convicted of violating any of the provisions of sections sixteen and seventeen of this Act shall be deemed guilty of a misdemeanor and punished by a fine of not less than one hundred dollars, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every two dollars of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense.

—forfeiture of property.

U. S. attorney to enforce dispossession.
1896, Mar. 1, c. 145, s. 2, ante, p. 71.

And the United States district attorneys in said Territory are required to see that the provisions of said sections are strictly enforced and they shall at once proceed to dispossess all persons of such excessive holding of lands and to prosecute them for so unlawfully holding the same.

No payments to tribal governments.
Rev. Stat., 2086.

SEC. 19. That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him; and per capita payments shall be made direct to each individual in lawful money of the United States, and the same shall not be liable to the payment of any previously contracted obligation.

Per capita payments direct to individuals.

—not liable for contracted obligations.

Commission to Five Civilized Tribes.
1896, June 10, c. 398, ante, p. 79.
1897, June 7, c. 3, ante, p. 87.

SEC. 20. That the commission hereinbefore named shall have authority to employ, with approval of the Secretary of the Interior, all assistance necessary for the prompt and efficient performance of all duties herein imposed, including competent surveyors to make allotments,

1899, Mar. 1, c. 324, post, p. 102.
—assistance.

and to do any other needed work, and the Secretary of the Interior may detail competent clerks to aid them in the performance of their duties.

Enrollment of Cherokee, etc.
See note to 1872, c. 137, post, p. 131.
Also 1901, c. 676, post, p. 715.
1901, ch. 676, post, p. 787.
—investigation of claimants, etc.

SEC. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

—of Cherokee freedmen.

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six.

—of citizens by blood of other tribes.
—of whites entitled to Choctaw and Chickasaw citizenship.

Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes.

—to determine identity of Choctaws.
Post, p. 780.
Administration of oaths, etc.

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

Roll confirmed.
—enrollment of Creek freedmen.

The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation.

—Choctaw freedmen.

It shall make a correct roll of all Choctaw freedmen entitled to citizenship under the treaties and laws of the Choctaw Nation, and all their descendents born to them since the date of the treaty.

—Chickasaw freedmen.

It shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in eighteen hundred and sixty-six between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty and forty acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined in such manner as shall be hereafter provided by Congress.

Claims of citizenship in two or more tribes, etc.

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere.

—refusal to make selection.

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship:

Settlement necessary to enrollment.

Provided, however, That nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

Mississippi Choctaws not affected.

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls. They shall have access to all rolls and records of the several tribes, and the United States court in Indian Territory shall have jurisdiction to compel the officers of the tribal governments and custodians of such rolls and records to deliver same to said commission, and on their refusal or failure to do so to punish them as for contempt; as also to require all citizens of said tribes, and persons who should be so enrolled, to appear before said commission for enrollment, at such times and places as may be fixed by said commission, and to enforce obedience of all others concerned, so far as the same may be necessary, to enable said commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work.

Rolls to be made descriptive.

—access to, etc.

—punishment for refusal to produce, etc.

—enforced appearance, etc.

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their decendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

—force of, when approved.

The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall willfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense.

Powers of commission.

—punishment for perjury.

SEC. 22. That where members of one tribe, under intercourse laws, usages, or customs, have made homes within the limits and on the lands of another tribe they may retain and take allotment, embracing same under such agreement as may be made between such tribes respecting such settlers; but if no such agreement be made the improvements so made shall be appraised, and the value thereof, including all damages incurred by such settler incident to enforced removal, shall be paid to him immediately upon removal, out of any funds belonging to the tribe, or such settler, if he so desire, may make private sale of his improvements to any citizen of the tribe owning the lands:

Members of one tribe on lands of another.

—agreements as to allotments.

—compensation for improvements or removal.

Provided, That he shall not be paid for improvements made on lands in excess of that to which he, his wife, and minor children are entitled to under this Act.

—limit.

SEC. 23. That all leases of agricultural or grazing land belonging to any tribe made after the first day of January, eighteen hundred and ninety-eight, by the tribe or any member thereof shall be absolutely void, and all such grazing leases made prior to said date shall terminate on the first day of April, eighteen hundred and ninety-nine, and all such agricultural leases shall terminate on January first, nineteen hundred; but this shall not prevent individuals from leasing their allotments when made to them as provided in this Act, nor from occupying or renting their proportionate shares of the tribal lands until the allotments herein provided for are made.

Leases of agricultural lands, etc., void.

—termination.

—of allotments, etc.

Payments to be placed to tribes' credit.

—receipts.

SEC. 24. That all moneys paid into the United States Treasury at Saint Louis; Missouri, under provisions of this Act shall be placed to the credit of the tribe to which they belong; and the assistant United States treasurer shall give triplicate receipts therefor to the depositor.

Lands purchased by Delawares to be segregated.

SEC. 25. That before any allotment shall be made of lands in the Cherokee Nation, there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the one hundred and fifty-seven thousand six hundred acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April eighth, eighteen hundred and sixty-seven, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said agreement.

Rights of Delawares to be determined by Court of Claims.

1872, c. 157, post, p. 131.

—suits by Cherokee.

—appeal.

That the Delaware Indians residing in the Cherokee Nation are hereby authorized and empowered to bring suit in the Court of Claims of the United States, within sixty days after the passage of this Act, against the Cherokee Nation, for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee Nation dated April eighth, eighteen hundred and sixty-seven; or the Cherokee Nation may bring a like suit against said Delaware Indians; and jurisdiction is conferred on said court to adjudicate and fully determine the same, with right of appeal to either party to the Supreme Court of the United States.

Termination of tribal laws.

SEC. 26. That on and after the passage of this Act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory.

Location of Indian inspector.

Post, p. 727.

SEC. 27. That the Secretary of the Interior is authorized to locate one Indian inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law, relating to affairs therein.

Tribal courts abolished.

—transfer of cases to United States court.

SEC. 28. That on the first day of July, eighteen hundred and ninety-eight, all tribal courts in Indian Territory shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such court shall be transferred to the United States court in said Territory by filing with the clerk of the court the original papers in the suit:

—when to take effect.

Provided, That this section shall not be in force as to the Chickasaw, Choctaw, and Creek tribes or nations until the first day of October, eighteen hundred and ninety-eight. * * *

[*June 28, 1898.*]

[NOTE.—The remainder of this act ratifies agreements with the Choctaw and Chickasaw and Creeks. (Post, p. 646.)]

July 1, 1898.

30 Stat., 571.

CHAP. 545.—An act making appropriations for the current and contingent expenses ot the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes.

Indian agents.

—detail of army officers.

Be it enacted, &c. * * * For pay of fifty-six agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely: * * * That hereafter the President may detail officers of the United States Army to act as Indian agents at such agencies as in the opinion of the President may require the presence of an army officer, and while acting as Indian agents such officers shall be under the orders and direction of the Secretary of the Interior:[a]

—appropriation not available for.

71 Fed. Rep., 662.

Provided further, That the foregoing appropriations shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named.[a] * * *

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[a] By 1892, July 13, ch. 164, 27 Stat., 120, army officers are to be detailed to act as Indian agents, except where the public service would be better promoted by a civilian appointment. A similar provision is contained in R. S. 2062.

[30 Stat., 591.]
Appeals from United States courts, Indian Territory.
—direct to Supreme Court.

Appeals shall be allowed from the United States courts in the Indian Territory direct to the Supreme Court of the United States to either party, in all citizenship cases, and in all cases between either of the Five Civilized Tribes and the United States involving the constitutionality or validity of any legislation affecting citizenship, or the allotment of lands, in the Indian Territory, under the rules and regulations governing appeals to said court in other cases:[b]

—time for perfecting.

Provided, That appeals in cases decided prior to this Act must be perfected in one hundred and twenty days from its passage; and in cases decided subsequent thereto, within sixty days from final judgment;

—work of Commission not to be enjoined.

but in no such case shall the work of the Commission to the Five Civilized Tribes be enjoined or suspended by any proceeding in, or order of, any court, or of any judge, until after final judgment in the Supreme Court of the United States.

—entitled to precedence.

In case of appeals, as aforesaid, it shall be the duty of the Supreme Court to advance such cases on the docket and dispose of the same as early as possible. * * *

[30 Stat., 595.]
Indian agents to account for funds.
R. S., 2057, 2075.

That hereafter Indian agents shall account for all funds coming into their hands as custodians from any source whatever, and be responsible therefor under their official bonds.[c] * * *

[30 Stat., 596.]
Property not required for use.
—to be removed or sold.
R. S., 2618.
—report.

SEC. 6. That hereafter at any of the Indian reservations where there is now on hand Government property not required for the use and benefit of the Indians at said reservation, the Secretary of the Interior is hereby authorized to move such property to other Indian reservations where it may be required, or to sell it and apply the proceeds of same in the purchase of such articles as may be needed for the use of the Indians for whom such said property was purchased; and he shall make report of his action hereunder to the next session of Congress thereafter.[d]

Commutation of rations to civilized Indians.

SEC. 7. That hereafter when, in the judgment of the Secretary of the Interior, any Indian tribe, or part thereof, who are receiving rations and clothing and other supplies under this Act, are sufficiently advanced in civilization to purchase such rations and clothing and other supplies judiciously, they may commute the same and pay the value thereof in money per capita to such tribe or part thereof, the manner of such payment to be prescribed by the Secretary of the Interior.[e] * * * [*July 1, 1898.*]

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[a] Provisions similar to the last two provisos of this paragraph appear in 1893, March 3, ch. 209 (27 Stat., 613). In 1894, August 15, ch. 290 (28 Stat., 288), these provisos appear in the identical language of the text, since which time they have been annually reenacted, 1895, March 2, ch. 188 (28 Stat. L., 878); 1896, June 10, ch. 398 (29 Stat., 323); 1897, June 7, ch. 3 (30 Stat., 64); 1899, March 1, ch. 324 (30 Stat., 926).

[b] Decision upon appeals taken under this act will be found in 174 U. S., 445, where the entire legislation in regard to the Commission to the Five Civilized Tribes and citizenship therein is reviewed. By this decision it was held: 1. That the only question reviewable upon appeal is that of the constitutionality and validity of the legislation affecting citizenship or the allotment of land in the Indian Territory. 2. That that legislation is constitutional and valid. For the acts creating the commission see 1896, June 10, ch. 398, and note (c) thereto, ante, p. 79; 1897, June 7, ch. 3, ante, p. 86, and 1899, March 1, ch. 324, post, p. 102.

[c] By R. S., 2057, Indian agents were required to give bond, but it was held (17 Fed. Rep., 579) that this applied only to money received strictly while acting as agent for the Indians to whose agency he was appointed. See also 1875, March 3, ch. 132, s. 5 (ante, p. 24), requiring their accounts for employees' services to be under oath, and s. 10 of the same act, requiring a book of itemized expenditures, together with receipts from all sources, to be kept.

[d] A similar provision, without the word "hereafter," has appeared almost annually in the Indian appropriation acts since 1884. See the acts summarized in note (f) to 1894, August 15, ch. 290, s. 9, ante, p. 69; also 1895, March 2, ch. 188, s. 6 (28 Stat., 908); 1897, June 7, ch. 3, s. 6 (30 Stat., 91). By the use of the word "hereafter" it has now become permanent.

[e] The same provision, without the word "hereafter," has appeared annually since 1892. See 1892, July 13, s. 8, p. 33; 1893, March 3, ch. 209, s. 8 (27 Stat., 640); 1894, August 15, ch. 290, s. 8 (28 Stat., 313); 1895, March 2, ch. 188, s. 7 (28 Stat., 908); 1896, June 10, ch. 398, s. 6 (29 Stat., 349); 1897, June 7, ch. 3, s. 7 (30 Stat., 91).

ACTS OF FIFTY-FIFTH CONGRESS—THIRD SESSION, 1899.

Mar. 1, 1899.
30 Stat., 924.

CHAP. 324.—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes.

[30 Stat., 925.]
Superintendent of Indian schools.

Be it enacted, &c., * * * For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation,[a] * * *

—traveling expenses.
R. S., 2077.

Provided, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law:

—additional duties.

And provided further, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior. * * *

[30 Stat., 927.]
Special agents, etc., may administer oaths, etc.
—examine officers, etc.

That hereafter each special agent, supervisor of schools, or other official charged with the investigation of Indian agencies and schools, in the pursuit of his official duties shall have power to administer oaths and to examine on oath all officers and persons employed in the Indian service, and all such other persons as may be deemed necessary and proper.[b] * * *

[30 Stat., 939.]
Commissioners to Five Civilized Tribes.

For salaries of four commissioners, appointed under Acts of Congress approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars:[c]

—number fixed at four.

Provided, That the number of said commissioners is hereby fixed at four. * * *

—authority continued.

That said commission shall continue to exercise all authority heretofore conferred on it by law. * * *

[30 Stat., 947.]
Indians 18 years old may receipt for annuity money.
R. S., 2108.

SEC. 8. That hereafter all Indians, when they shall arrive at the age of eighteen years, shall have the right to receive and receipt for all annuity money that may be due or become due to them, if not otherwise incapacitated under the regulations of the Indian Office. [*March 1, 1899.*]

Mar. 2, 1899.
30 Stat., 990.

CHAP. 374.—An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes.[d]

Rights of way, —by railway, etc., through Indian reservation, etc.

Be it enacted, &c., That a right of way for a railway, telegraph and telephone line through any Indian reservation in any State or Territory, or through any lands held by an Indian tribe or nation in Indian

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[a] By 1882, May 17, ch. 163 (22 Stat., 70), provision was made for the appointment of a person to inspect Indian schools at a compensation of $3,000, with $1,500 for traveling expenses. By 1888, June 29, ch. 503, s. 8 (25 Stat., 238), the appointment of a superintendent of Indian schools is provided for, but this was superseded by the provisions of 1889, March 2, ch. 412, s. 10, ante, p. 44. No salary was fixed for the office, but the annual appropriation has been for $4,000, beginning with 1888, prior to which it was $3,000. Appropriations for the salary and provisions for the traveling expenses similar to and generally identical with those in the text have been made by 1884, July 4, ch. 180 (23 Stat., 77); 1885, March 3, ch. 341 (23 Stat., 364); 1886, May 15, ch. 333 (24 Stat., 30); 1887, March 2, ch. 320 (24 Stat., 451); 1888, June 29, ch. 503 (25 Stat., 219); 1889, March 2, ch. 412 (25 Stat., 982); 1890, August 19, ch. 807 (26 Stat., 338); 1891, March 3, ch. 543 (26 Stat., 989); 1892, July 13, ch. 164 (27 Stat., 122); 1893, March 3, ch. 209; 1894, August 15, ch. 290; 1895, March 2, ch. 188; 1896, June 10, ch. 398; 1897, June 7, ch. 3 (30 Stat., 65); 1898, July 1, ch. 545 (30 Stat., 574).

[b] The same provision, without the word "hereafter," occurs in 1898, July 1, ch. 545 (30 Stat., 574). By the addition of the word "hereafter" it has now become permanent.

[c] For the powers and duties of these commissioners, previously three in number, see 1896, June 10, ch. 398, par. 4, and note (c) thereto, ante, p. 79; and 1897, June 7, ch. 3, ante, p. 88.

[d] This act has been repealed as to the Indian Territory and Oklahoma by section 23 of the act of February 28, 1902, post page 114. That act, sections 13–23, post pp. 114–118, makes general provisions for the construction of railroads through the Indian Territory.

Territory, or through any lands reserved for an Indian agency or for other purposes in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, is hereby granted to any railroad company organized under the laws of the United States, or of any State or Territory, which shall comply with the provisions of this Act and such rules and regulations as may be prescribed thereunder:

Provided, That no right of way shall be granted under this Act until the Secretary of the Interior is satisfied that the company applying has made said application in good faith and with intent and ability to construct said road, and in case objection to the granting of such right of way shall be made, said Secretary shall afford the parties so objecting a full opportunity to be heard:

—grant of, if made in good faith, etc.

—hearing.

Provided further, That where a railroad has heretofore been constructed, or is in actual course of construction, no parallel right of way within ten miles on either side shall be granted by the Secretary of the Interior unless, in his opinion, public interest will be promoted thereby.

Parallel rights of way forbidden.

—except.

SEC. 2. That such right of way shall not exceed fifty feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include ground adjacent thereto for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed one hundred feet in width by a length of two thousand feet, and not more than one station to be located within any one continuous length of ten miles of road:

Width.

Stations.

Provided, That this section shall apply to all rights of way heretofore granted to railroads in the Indian Territory where no provisions defining the width of the rights of way are set out in the Act granting the same.

Rights heretofore granted in Indian Territory.

SEC. 3. That the line of route of said road may be surveyed and located through and across any of said lands at any time, upon permission therefor being obtained from the Secretary of the Interior; but before the grant of such right of way shall become effective a map of the survey of the line or route of said road must be filed with and approved by the Secretary of the Interior, and the company must make payment to the Secretary of the Interior for the benefit of the tribe or nation, of full compensation for such right of way, including all damage to improvements and adjacent lands, which compensation shall be determined and paid under the direction of the Secretary of the Interior, in such manner as he may prescribe. Before any such railroad shall be constructed through any land, claim, or improvement, held by individual occupants or allottees in pursuance of any treaties or laws of the United States, compensation shall be made to such occupant or allottee for all property to be taken, or damage done, by reason of the construction of such railroad. In case of failure to make amicable settlement with any such occupant or allottee, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the Secretary of the Interior, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to the Secretary of the Interior. If the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right within sixty days after the making of the award and notice of the same, to appeal, in case the land in question is in the Indian Territory, by original petition to the United States court in the Indian Territory sitting at the place nearest and most convenient to the property sought to be condemned; and if said land

Survey of route.

—map to be filed.

Compensation for right of way.

—damages, etc.

Board to make appraisement.

—oath.

—disagreement.

—appeal from decision.

United States court to hear appeal.

is situated in any State or Territory other than the Indian Territory, then to the United States district court for such State or Territory, where the case shall be tried de novo and the judgment for damages rendered by the court shall be final and conclusive.

—deposit of award.
—construction may be commenced.
Compensation of referees.
Fees and costs.

When proceedings are commenced in court as aforesaid, the railroad company shall deposit the amount of the award made by the referees with the court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway. Each of the referees shall receive for his compensation the sum of four dollars per day while engaged in the hearing of any case submitted to them under this Act. Witnesses shall receive the fees usually allowed by courts within the district where such land is located. Costs, including compensation of the referees, shall be made part of the award or judgment, and be paid by such railroad company.

Failure to construct.
—operates as forfeiture.

SEC. 4. That if any such company shall fail to construct and put in operation one-tenth of its entire line in one year, or to complete its road within three years after the approval of its map of location by the Secretary of the Interior, the right of way hereby granted shall be deemed forfeited and abandoned ipso facto as to that portion of the road not then constructed and in operation:

Extension of time to complete.

Provided, That the Secretary may, when he deems proper, extend, for a period not exceeding two years, the time for the completion of any road for which right of way has been granted and a part of which shall have been built.

Railroad through Indian Territory.
But see post, p. 114.
—annual charge.

SEC. 5. That where a railroad is constructed under the provisions of this Act through the Indian Territory there shall be paid by the railroad company to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands the road may be located, such an annual charge as may be prescribed by the Secretary of the Interior, not less than fifteen dollars for each mile of road, the same to be paid so long as said land shall be owned and occupied by such nation or tribe, which payment shall be in addition to the compensation otherwise required herein.

—passenger and freight rates to be prescribed.
—transportation of mails.

And within the Indian Territory upon any railroad constructed under the provisions of this Act the rates and charges for passenger and freight service, if not otherwise prescribed by law, may be prescribed by the Secretary of the Interior from time to time, and the grants herein are made upon condition that the companies shall transport mails whenever required to do so by the Post-Office Department.

Railroad rights on public lands.
1875, Mar. 3, c. 152, s. 2, 18 Stat., 482.

SEC. 6. That the provisions of section two of the Act of March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States," are hereby extended and made applicable to rights of way granted under this Act and to railroad companies obtaining such rights of way.

Regulations.

SEC. 7. That the Secretary of the Interior shall make all needful rules and regulations, not inconsistent herewith, for the proper execution and carrying into effect of all the provisions of this Act.

Repeal.

SEC. 8. That Congress hereby reserves the right at any time to alter, amend, or repeal this Act, or any portion thereof. [*March 2, 1899.*]

Mar. 3, 1899.
30 Stat., 1253.

CHAP. 429.—An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said district.

Alaska.
Criminal code.

Be it enacted, &c., * * * That the penal and criminal laws of the United States of America and the procedure thereunder relating to the District of Alaska shall be as follows:

TITLE I.

* * * * * * *

CHAPTER 8.

* * * * * * *

OFFENSES AGAINST PUBLIC POLICY.

* * * * * * *

[30 Stat., 1274.]
Selling liquor or firearms to Indians.
1897, Jan. 30, c. 109, ante, p. 83.

SEC. 142. That if any person shall, without the authority of the United States, or some authorized officer thereof, sell, barter, or give to any Indian or half-breed who lives and associates with Indians any firearms or ammunition therefor whatever, or any spirituous, malt, or vinous liquor, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than two months nor more than six months, or by fine not less than one nor more than five hundred dollars.

"Indian" defined.

That the term "Indian" in this Act shall be so construed as to include the aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of the whole or half blood. * * * [*March 3, 1899.*]

ACTS OF FIFTY-SIXTH CONGRESS—FIRST SESSION, 1900.

May 7, 1900.
31 Stat., 170.

CHAP. 384.—An act for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory.[a]

Indian Territory.

—United States commissioner for Wewoka.
R. S., 627.

Be it enacted, etc., That the judge of the United States court in the Indian Territory presiding in the northern judicial district thereof is hereby authorized and empowered to appoint an additional United States commissioner within said district, who shall be permanently located at Wewoka, in the Seminole Nation, and to prescribe by metes and bounds the portion of the district for which such commissioner is appointed. [*May 7, 1900.*]

May 31, 1900.
31 Stat., 170.

CHAP. 598.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

[31 Stat., 229.]
Lease of lands of disabled Indian allottees.

See act of 1897, June 7, c. 3, ante, p. 86.

Be it enacted, etc., * * * That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands can not personally, and with benefit to himself, occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years, for farming purposes only. * * *

[31 Stat., 236.]
Commission to Five Civilized Tribes.
1893, Mar. 3, c. 209, ante, p. 79.
1895, Mar. 2, c. 188, ante, p. 80.

For salaries of four commissioners appointed under acts of Congress approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars: * * *

Continuance of authority.

That said commission shall continue to exercise all authority heretofore conferred on it by law.

No enrollment unless citizen.

But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.

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[a] By 1890, May 2, ch. 182, s. 39, 40 (ante, p. 53); 1895, March 1, ch. 145, s. 4 (ante, p. 72), and 1897, June 7, ch. 3 (ante, p. 87), provision is made for the appointment and powers of United States commissioners in Indian Territory.

By 1897, February 19, ch. 265 (ante, p. 85), the act of 1896, May 28, ch. 252, s. 19, 21, 22, relating to the appointment and duties of United States commissioners in general, is made inapplicable to the Indian Territory.

Mississippi Choctaw may settle in Choctaw-Chickasaw country.

Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment:

—sale of their allotments void.

Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void.

* * * * * * *

[31 Stat., 237.]

Plats of towns and villages.

Provided, That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns.

—competent surveyors.

Plats, where filed.

The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such.

—contract work.

Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

Work of commissions to begin on approval of survey.

1898, June 28, ch. 517, s. 29, post, p. 646.

Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine of the Act of June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

Creek and Cherokee town-site commissions.

—how appointed.

The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members, for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe.

—duties.

Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing Act of Congress or agreement with the tribe approved by Congress.

—valuation.

The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

Separate town-site commissions for towns.

Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that Nation.

—how appointed.
1898, June 28, c. 517 s. 15, ante, p. 96.

Every such local commission shall be appointed in the manner provided in the Act approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory."

Towns may make surveys.

The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

Appraisal and sale of lots.

As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing Act of Congress or agreement with the tribe approved by Congress,

Pay of delayed commission.

and if the proper commission shall not complete such appraisement and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.

Removal of commissioners

The Secretary of the Interior may, for good cause, remove any member of any townsite commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.

Corporate and townsite limits.

It shall not be required that the townsite limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such townsite limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established:

—exterior limits, how fixed.

Provided further, That the exterior limits of all townsites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

Town-sites railroad stations.

Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such townsite at the time.

—survey and sale.

Such townsites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein provided for other townsites:

—compensation for occupants' improvements.

Provided further, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Existing surveys unaffected.

Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said act of June twenty-eighth, eighteen hundred and ninety-eight, in the way of surveying, laying out, or platting the townsites, appraising or disposing of town lots in any of said nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof.

* * * * * * *

[31 Stat., 247.]

Annual report of employees.

SEC. 6. That the Commissioner of Indian Affairs shall report annually

1894, Aug. 15, c. 290, ante, p. 69.

to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole or in part out of appropriations in this act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and whether, in the opinion of such Commissioner, any of such employees are unnecessary. * * * [*May 31, 1900.*]

June 6, 1900.

31 Stat., 657.

CHAP. 795.—An act changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes.

Indian Territory.

1895, Mar. 1, c. 145, ante, p. 71.

1897, June 7, c. 3, ante, p. 87.

Central judicial district.

1902, ch. 276, post, p. 118.

—terms of court, where held.

Be it enacted, &c., That subdivision three, of chapter one hundred and forty-five, of the United States Statutes at Large, approved March first, eighteen hundred and ninety-five, entitled "An Act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," which said subdivison reads as follows: "The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Cameron," be amended by striking out of said subdivision the word "Cameron" and inserting in lieu thereof the word "Poteau," so that said subdivision when amended shall read as follows: "The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Poteau."

Pending causes transferred.

SEC. 2. That all suits, prosecutions and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or returnable to said court at Cameron are hereby transferred to and shall be made returnable and have force in said court at Poteau. [*June 6, 1900.*]

June 6, 1900.

31 Stat., 660.

CHAP. 802.—An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory.[a]

Indian Territory.

Timber and stone.

—rules for procurement.

—destruction of.

—transportation of.

—penalty.

Be it enacted, &c., That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for such domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways, to be used only in the Indian Territory, as in his judgment he shall deem necessary and proper, from lands belonging to either of the Five Civilized Tribes of Indians, and to fix the full value thereof to be paid therefor, and collect the same for the benefit of said tribes; and every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the land of either of said tribes, or sells or transports any of such timber or stone outside of the Indian Territory, contrary to the regulations prescribed by the Secretary, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same. [*June 6, 1900.*]

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[a] See 1898, July 1, c. 546, 30 Stat., 618, relating to permits to cut timber for domestic, mining, etc., purposes; also 1897, June 7, c. 3, ante, p. 89, authorizing Indians to cut dead timber on Indian reservations in Minnesota; while by 1889, February 16, c. 172, ante, p. 39, a similar provision to the last above-mentioned was made, though general in its character; see also 1898, June 28, c. 517, s. 16, ante, p. 97.

ACTS OF FIFTY-SIXTH CONGRESS—SECOND SESSION, 1901.

Feb. 6, 1901.

31 Stat., 760.

CHAP. 217.—An act amending the Act of August fifteenth, eighteen hundred and ninety-four, entitled "An Act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-five," and for other purposes.

1894, Aug. 15, ch. 290, ante, p. 62.

Claimants of allotment may sue in circuit courts, etc.

1898, Mar. 3, ch. 209, ante, p. 65.

Be it enacted, &c., That that portion of the Act of August fifteenth, eighteen hundred and ninety-four, found on page three hundred and five of Twenty-eighth Statutes at Large, be amended so as to read as follows:

"That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment Act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any Act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper circuit court of the United States;

—Jurisdiction.

and said circuit courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty (and in said suit the parties thereto shall be the claimant as plaintiff and the United States as party defendant);

—Judgment.

and the judgement or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him,

—lands held by Five Civilized Tribes, etc.

but this provision shall not apply to any lands now held by either of the Five Civilized Tribes, nor to any of the lands within the Quapaw Indian Agency:

—appeal.

"*Provided*, That the right of appeal shall be allowed to either party as in other cases.

Service of petition 1887, Mar. 3, c. 359, s. 6, 24 Stat., 505.

"SEC. 2. That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter.

District attorney to represent Government.

It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises:

—failure to plead.

"*Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises;

Claim to be established by proof.

but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court." [*February 6, 1901.*]

Feb. 18, 1901.
31 Stat., 794.

CHAP. 379.—An act to put in force in the Indian Territory certain provisions of the laws of Arkansas relating to corporations, and to make said provisions applicable to said Territory.[a]

Indian Territory.
Laws of Arkansas relating to corporations made applicable.

Be it enacted, &c., That section five hundred and four and the succeeding sections down to and including section five hundred and nine, section nine hundred and sixty, and the succeeding sections down to and including section one thousand and thirty-five, of the laws of Arkansas, as published in eighteen hundred and eighty-four in the volume known as Mansfield's Digest of the Statutes of Arkansas be, and the same are hereby, extended over and put in force in the Indian Territory, so far as they may be applicable and not in conflict with any law of Congress applicable to said Territory heretofore passed.

Substitution of terms.

Fees of clerk of court.

SEC. 2. That wherever in said sections the word "county" occurs there shall be substituted therefor the words "judicial district," and where the words "county court" occur the words "United States courts" shall be substituted therefor; wherever the words "State" or "State of Arkansas" occur there shall be substituted therefor the words "Indian Territory;" wherever the words "secretary of state" occur there shall be substituted therefor the words "clerk of the United States court of appeals for the Indian Territory," and said clerk shall be entitled to the same fees and compensation for his services rendered under this Act that the secretary of state in Arkansas is entitled to receive for like services, and shall retain the same as compensation for his services under this Act; wherever the words "clerk of the county" occur there shall be substituted therefor the words "clerk of the judicial district," and said clerk shall be entitled to the same fees and compensation for his services rendered under this Act that county clerks are entitled to receive for like services, and shall retain the same as compensation for his services under this Act; wherever the words "general assembly" occur there shall be substituted therefor the words "Congress of the United States;" and where the words "vest in the State" occur in section one thousand and thirty-five there shall be substituted therefor the words "vest in the United States":

Provided, That companies may be incorporated under the provisions of this Act to construct, own, and operate electric railroads, telephone and telegraph lines in the Indian Territory.

Incorporation of electric railroads, etc.
Foreign corporations.

—powers.

SEC. 3. That foreign incorporations may be authorized to do business in the Indian Territory, under such limitations and restrictions as may be prescribed by law; and as to contracts made and business done in the Indian Territory, they shall be subject to the same regulations, limitations, and liabilities, and shall exercise no other or greater powers, privileges, or franchises than may be exercised by like corporations organized under the provisions of sections one and two of this Act.

—agent to be designated.

—contents of certificate to be filed.

SEC. 4. That before any foreign corporation shall begin to carry on business in the Indian Territory it shall, by its certificate, under the hand of the president and seal of such company, filed in the office of the clerk of the United States court of appeals for the Indian Territory, designate an agent, who shall reside where the United States court of appeals for the Indian Territory is held, upon whom service of summons and other process may be made. Such certificate shall also state the principal place of business of such corporation in the Indian Territory. Service upon such agent shall be sufficient to give jurisdiction over such corporation to any of the United States courts for the Indian Territory. If any such agent shall be removed, resign, die, or remove from the Indian Territory, or otherwise become incapable of acting as such agent, it shall be the duty of such corporation to appoint immediately another agent in his place, as hereinbefore provided.

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[a] As a general rule the laws of Arkansas have been made applicable to the Indian Territory, as in the case of the laws relative to the incorporation of towns, see 1898, June 28, ch. 517, s. 14, ante, p. 94, while numerous laws of a general character were made applicable by 1890, May 2, ch. 182, s. 31, ante, p. 48.

—contracts void for failure to comply with requirements.

SEC. 5. That if any foreign corporation shall fail to comply with the provisions of the foregoing sections, all its contracts with citizens and residents of the Indian Territory shall be void as to the corporation, and no United States court in the Indian Territory shall enforce the same in favor of the corporation.

Limit of time to designate agents, etc.

SEC. 6. That corporations doing business in the Indian Territory at the time of the passage of this Act are given ninety days in which to comply with section four in order to avoid the penalty of section five.

Fees.

SEC. 7. That the clerk of the United States court of appeals for the Indian Territory shall charge and receive for services imposed upon him by the provisions of this Act the same fees allowed officers of the State of Arkansas for like services under the laws of that State.

Bank or trust companies may transact business, etc.

SEC. 8. That any bank or trust company now or hereafter organized under the laws of Arkansas or any other State may transact such business in the Indian Territory as is authorized by its charter, and that is not inconsistent with the laws in force in the Indian Territory, and may loan money and contract for the payment of the same at a rate of interest not to exceed the sum of eight per centum per annum, and a like rate for a period less than a year:

Legal interest.

Provided, That the lawful interest in said Territory shall be six per centum when no rate of interest is agreed upon, but in no case shall the interest exceed eight per centum per annum.

U. S. courts to have jurisdiction over corporations.

1897, June 7, ch 3, ante, p. 88.

SEC. 9. That the United States courts in the Indian Territory shall have and exercise, in reference to all corporations created under this Act, the same powers and jurisdiction as may be exercised in the State of Arkansas by the courts of that State over corporations created therein under the provisions of any law in force in that State relating to corporations.[a] [*February 18, 1901.*]

Mar. 3, 1901.

31 Stat., 1058.

CHAP. 832.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

[31 Stat., 1060.]

Be it enacted, &c., * * * That the Indian inspector who may be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field;[b]

Inspector to have per diem.

and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year nineteen hundred and one, and so long as he shall remain on duty in said Territory. * * *

[31 Stat., 1073.]

Clerks of district courts to account for fees.

That hereafter the clerks of the district courts in the Indian Territory shall account to the United States for all fees earned and collected by them in accordance with such rules and regulations as the Attorney-General shall prescribe.[c]

—to pay over excess.

They shall annually pay over to the Treasurer of the United States all such fees collected and earned by them in excess of the necessary expenses incurred and paid by them for attendance on court, record books, stationery, and clerk hire subsequent to May thirty-first, nineteen hundred, such expenses to be allowed and retained by said clerks on accounts approved by the judge of the court when accompanied by proper vouchers.

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[a] For the United States courts in Indian Territory and their jurisdiction, see 1897, June 7, ch. 3, ante, p. 88.

[b] R. S. 2043, 2044, provide for the appointment, salary, and traveling expenses of Indian inspectors.

By 1898, June 28, ch. 517, s. 27, one inspector was authorized to be located in the Indian Territory.

[c] A similar but less comprehensive provision is made by the appropriation act of the preceding year, 1900, May 31, ch. 598 (31 Stat., 229). The clerks of court mentioned in the text were first authorized by 1890, May 2, ch. 182, s. 30, 38 (ante, p. 48). Their status and designation were changed by 1895, March 1, ch. 145, s. 3, ante (p. 72). By 1893, November 3, ch. 16 (28 Stat., 9), the provisions of which were reenacted by 1895, March 1, ch. 145, s. 3 (ante, p. 72), they were allowed to retain certain fees for their own use. For construction of the various acts relating to fees of clerks of court in the Indian Territory, see 35 C. Cls., 595.

—to receive $1,000.

And such clerks shall hereafter be paid the sum of one thousand dollars each per annum for all extra services in addition to their regular salary. * * *

Commission to Five Civilized Tribes.

For salaries of four commissioners, appointed under Acts of Congress approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars:[a]

Statement of expenditures.

and said commissioners shall at once make an itemized statement to the Secretary of the Interior of all their expenditures up to January first, nineteen hundred and one, and annually thereafter. * * *

[31 Stat., 1075.]
Town-site commissioner.

That hereafter the Secretary of the Interior may, whenever the chief executive of the Choctaw or Chickasaw Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive of the Choctaw or Chickasaw Nation to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created.[b]

[31 Stat., 1077.]
Rolls of Five Civilized Tribes to be final.

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent;

—time for closing.

and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or either of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.[c]

Acts of Creeks and Cherokee to be approved by the President.

That no act, ordinance, or resolution of the Creek or Cherokee tribes, except resolutions for adjournment, shall be of any validity until approved by the President of the United States.

When such acts, ordinances, or resolutions passed by the council of either of said tribes shall be approved by the principal chief thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within thirty days after their reception, approve or disapprove the same.

Publication of approved acts.
Return of disapproved acts.

Said acts, ordinances, or resolutions, when so approved, shall be published in at least two newspapers having a bona fide circulation in the tribe to be affected thereby, and when disapproved shall be returned to the tribe enacting the same. * * *

[31 Stat., 1069.]
Supplies, purchase after advertisement.

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars in any one purchase:[d]

—except in case of exigency.

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[a] For previous legislation in regard to this commission, see 1896, June 10, ch. 398, and note (c) thereto (ante, p. 79); 1897, June 7, ch. 3, (ante, p. 87); 1899, March 1, ch. 324, (ante, p. 102), and 1900, May 31, ch. 598, ante, p. 105.

[b] See the provisions here referred to, 1898, June 28, ch. 517, s. 15, 29 (ante, p. 95), and other legislation relative to the commission to the Five Civilized Tribes as referred to in the next preceding note.

[c] See the legislation referred to in the two preceding notes.

[d] Similar provisions occur in prior appropriation acts. See 1899, March 1, ch. 324, s. 3 (30 Stat., 946), and 1900, May 31, ch. 598, s. 2 (31 Stat., 246).

—or for irrigation.

Provided, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided:

Indians preferred in purchases and labor.

Provided further, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior:

Manufactures by Indians.

Provided further, That the Secretary of the Interior may, when practicable, arrange for the manufacture, by Indians upon the reservations, or at industrial schools, of shoes, clothing, leather, harness, and wagons, and such other articles as the Secretary of the Interior may deem advisable, and the sum of ten thousand dollars is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect.

Rights of way for telephones and telegraph through Indian lands.

SEC. 3. That the Secretary of the Interior is hereby authorized and empowered to grant a right of way, in the nature of an easement, for the construction, operation, and maintenance of telephone and telegraph lines and offices for general telephone and telegraph business through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed.

No lines until approval.

No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from the Secretary of the Interior, and the maps of definite location of the lines shall be subject to his approval.

Damages, how ascertained.

The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval;

Annual tax.

and where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained;

Rules for construction and maintenance.

and all such lines shall be constructed and maintained under such rules and regulations as said Secretary may prescribe.

No exemption from State tax.

But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority;

Regulating tolls reserved.

and Congress hereby expressly reserves the right to regulate the tolls or charges for the transmission of messages over any lines constructed under the provisions of this Act:

Rights of towns on line of construction.

Provided, That incorporated cities and towns into or through which such telephone or telegraphic lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities.

Condemnation for public use of lands allotted in severalty.

That lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as damages shall be paid to the allottee.[a]

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[a] For general acts providing for the allotment of lands in severalty to Indians, see 1887, February 8, ch. 119 (ante, p. 33); 1891, February 28, ch. 383 (ante, p. 56); 1894, August 15, ch. 290 (ante, p. 66); 1896, January 26, ch. 50 (ante, p. 70); 1897, June 7, ch. 3 (ante, p. 87); 1900, May 31, ch. 598, and note (ante, p. 105); and 1901, February 6, ch. 217 (ante, p. 109).

Secretary of Interior may grant permission to open highways through Indian lands.

SEC. 4. That the Secretary of the Interior is hereby authorized to grant permission, upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, in accordance with the laws of the State or Territory in which the lands are situated, through any Indian reservation or through any lands which have been[a] allotted in severalty to any individual Indians under any laws or treaties but which have not been conveyed to the allottees with full power of alienation. * * * [*March 3, 1901.*]

Mar. 3, 1901.

31 Stat., 1447.

Citizenship accorded Indians in Indian Territory.
1887, Feb. 8, c. 119, s. 6 ante, p. 35.
R. S., 2119.
1888, Aug. 9, c. 818, s. 2, ante, p. 88.
71 Fed. Rep., 576.

CHAP. 868.—An act to amend section six, chapter one hundred and nineteen, United States Statutes at Large numbered twenty-four.

Be it enacted, &c., That section six of chapter one hundred and nineteen of the United States Statutes at Large numbered twenty-four, page three hundred and ninety, is hereby amended as follows, to-wit: After the words "civilized life," in line thirteen of said section six, insert the words "and every Indian in Indian Territory." [*March 3, 1901.*]

ACTS OF FIFTY-SEVENTH CONGRESS—FIRST SESSION, 1902.

February 28, 1902.

32 Stat., 43.

CHAP. 134.—An act to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

[32 Stat., 42.]
General right of way to railroads through Indian Territory.
Post, p. 744.
Ante, p. 108.

Be it enacted, &c. * * * SEC. 13. That the right to locate, construct, own, equip, operate, use, and maintain a railway and telegraph and telephone line or lines into, in, or through the Indian Territory, together with the right to take and condemn lands for right of way, depot grounds, terminals, and other railway purposes, in or through any lands held by any Indian tribe or nation, person, individual, or municipality in said Territory, or in or through any lands in said Territory which have been or may hereafter be allotted in severalty to any individual Indian or other person under any law or treaty, whether the same have or have not been conveyed to the allottee, with full power of alienation, is hereby granted to any railway company organized under the laws of the United States, or of any State or Territory, which shall comply with this Act.

Width.

Stations, etc.

Yards, etc.

Water supply.

Changes.

SEC. 14. That the right of way of any railway company shall not exceed one hundred feet in width except where there are heavy cuts and fills, when one hundred feet additional may be taken on each side of said right of way; but lands additional and adjacent to said right of way may be taken and condemned by any railway company for station grounds, buildings, depots, side tracks, turnouts, or other railroad purposes not exceeding two hundred feet in width by a length of two thousand feet. That additional lands not exceeding forty acres at any one place may be taken by any railway company when necessary for yards, roundhouses, turntables, machine shops, water stations, and other railroad purposes. And when necessary for a good and sufficient water supply in the operation of any railroad, any such railway company shall have the right to take and condemn additional lands for reservoirs for water stations, and for such purpose shall have the right to impound surface water or build dams across any creek, draw, canyon, or stream, and shall have the right to connect the same by pipe line with the railroad and take the necessary grounds for such purposes; and any railway company shall have the right to change or straighten its line, reduce its grades or curves, and locate new stations and to take the lands and right of way necessary therefor under the provisions of this Act.

Damages to individuals, etc.

SEC. 15. That before any railroad shall be constructed or any lands taken or condemned for any of the purposes set forth in the preceding

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[a] See note [a] page 113.

Proviso.
Maps to be filed.

section, full compensation for such right of way and all land taken and all damage done or to be done by the construction of the railroad, or the taking of any lands for railroad purposes, shall be made to the individual owner, occupant, or allottee of such lands, and to the tribe or nation through or in which the same is situated: *Provided*, That correct maps of the said line of railroad in sections of twenty-five miles each and of any lands taken under this Act, shall be filed in the Department of the Interior, and shall also be filed with the United States Indian agent for Indian Territory, and with the principal chief or governor of any tribe or nation through which the lines of railroad may be located or in which said lines are situated.

Appraisement by referees on failure of amicable settlement.

Oath.

Award.

Publication.

Proviso.
Notification.

Appeal.

In case of the failure of any railway company to make amicable settlement with any individual owner, occupant, allottee, tribe, or nation for any right of way or lands or improvements sought to be appropriated or condemned under this Act, all compensation and damages to be paid to the dissenting individual owner, occupant, allottee, tribe or nation by reason of the appropriation and condemnation of said right of way, lands, or improvements shall be determined by the appraisement of three disinterested referees, to be appointed by the judge of the United States court, or other court of jurisdiction in the district where such lands are situated, on application of the corporation or other person or party in interest. Such referees, before entering upon the duties of their appointment, shall each take and subscribe, before competent authority, an oath that he will faithfully and impartially discharge the duties of his appointment, which oaths, duly certified, shall be returned with the award of the referees to the clerk of the court by which they were appointed. The referees shall also find in their report the names of the person and persons, tribe, or nation to whom the damages are payable and the interest of each person, tribe, or nation in the award of damages. Before such referees shall proceed with the assessment of damages for any right of way or other lands condemned under this act, twenty days' notice of the time when the same shall be condemned shall be given to all persons interested, by publication in some newspaper in general circulation nearest said property in the district where said right of way or said lands are situated, or by ten days' personal notice to each person owning or having any interest in said lands or right of way: *Provided*, That such notice to any tribe or nation may be served on the principal chief or governor of the tribe. If the referees can not agree, then any two of them are authorized to and shall make the award. Any party to the proceedings who is dissatisfied with the award of the referees shall have the right, within ten days after the making of the award, to appeal, by original petition, to the United States court, or other court of competent jurisdiction, sitting at the place nearest and most convenient to the property sought to be taken, where the question of the damages occasioned by the taking of the lands in controversy shall be tried de novo, and the judgment rendered by the court shall be final and conclusive, subject, however, to appeal as in other cases.

Work to begin on deposit of award.

Proviso.
Abandonment of right of way.

Pay of referees.

Witness fees.

When the award of damages is filed with the clerk of the court by the referees, the railway company shall deposit the amount of such award with the clerk of the court, to abide the judgment thereof, and shall then have the right to enter upon and take possession of the property sought to be condemned: *Provided*, That when the said railway company is not satisfied with the award, it shall have the right, before commencing construction, to abandon any portion of said right of way and adopt a new location, subject, however, as to such new location, to all the provisions of this Act. Each of the referees shall receive for his compensation the sum of four dollars per day while actually engaged in the appraisement of the property and the hearing of any matter submitted to them under this Act. Witnesses shall receive the fees and mileage allowed by law to witness[es] in courts of record within the districts where such lands are located. Costs,

Proviso.
Costs on appeal.

including compensation of the referees, shall be made part of the ward or judgment and be paid by the railway company: *Provided*, That if any party or person other than the railway company shall appeal from any award, and the judgment of the court does not award such appealing party or person more than the referees awarded, all cost occasioned by such appeal shall be paid by such appealing party or person.

Annual rental.

Regulation of freight and other charges.

Interstate transportation.

Mails.

SEC. 16. That where a railroad is constructed under the provisions of this Act there shall be paid by the railway company to the Secretary of the Interior, for the benefit of the particular tribe or nation through whose lands any such railroad may be constructed, an annual charge of fifteen dollars per mile for each mile of road constructed, the same to be paid so long as said lands shall be owned and occupied by such nation or tribe, which payment shall be in addition to the compensation otherwise provided herein; and the grants herein are made upon the condition that Congress hereby reserves the right to regulate the charges for freight and passengers on said railways and messages on all telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which any railway shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by such railways; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railways whenever such transportation shall extend from one State into another, or shall extend into more than one State; and that the railway companies shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Crossings, etc.

Referees.

Condemnation proceedings.

Provisos.
Limitations.

Appeal.

SEC. 17. That any railway company authorized to construct, own, or operate a railroad in said Territory desiring to cross or unite its tracks with any other railroad upon the grounds of such other railway company shall, after fifteen days' notice in writing to such other railroad company, make application in writing to the judge of the United States court for the district in which it is proposed to make such crossing or connection for the appointment of three disinterested referees to determine the necessity, place, manner, and time of such crossing or connection. The provisions of section three of this act with respect to the condemnation of right of way through tribal or individual lands shall, except as in this section otherwise provided, apply to proceedings to acquire the right to cross or connect with another railroad. Upon the hearing of any such application to cross or connect with any other railroad, either party or the referees may call and examine witnesses in regard to the matter, and said referees shall have the same power to administer oaths to witnesses that is now possessed by United States commissioners in said Territory, and said referees shall, after such hearing and a personal examination of the locality where a crossing or connection is desired, determine whether there is a necessity for such crossing or not, and if so, the place thereof, whether it shall be over or under the existing railroad, or at grade, and in other respects the manner of such crossing and the terms upon which the same shall be made and maintained: *Provided*, That no crossing shall be made through the yards or over the switches or side tracks of any existing railroad if a crossing can be effected at any other place that is practicable. If either party shall be dissatisfied with the terms of the order made by said referees it may appeal to the United States court of the Indian Territory for the district wherein such crossing or connection is sought to be made in the same manner as as appeals are allowed from a judgment of a United States commissioner to said court, and said appeal and all subsequent proceedings shall only affect the amount of compensation, if any, and other terms of crossing fixed by said referees, but shall not delay the making of said crossing or connection: *Provided*, That the corporation desiring such crossing or connection shall deposit with the clerk of the court the amount of compensation, if any is fixed by said referees, and shall execute and file with said clerk a bond of sufficient security, to be approved by the court or a judge thereof in vacation, to pay all damages and comply with all terms that may be adjudged by the court. Any railway company which shall violate or evade any of the provisions of this section shall forfeit for every such offense, to the person, company, or corporation injured thereby, three times the actual damages sustained by the party aggrieved.

Deposit of compensation.

Bond for damages.

Forfeiture.

SEC. 18. That when in any case two or more railroads crossing each other at a common grade shall, by a system of interlocking or automatic signals, or by any works or fixtures to be erected by them, render it safe for engines and trains to pass over such crossings without stopping, and such interlocking or automatic signals or works or fixtures shall be approved by the Interstate Commerce Commissioners, then, in that case, it is hereby made lawful for the engines and trains of such railroad or railroads to pass over such crossing without stopping, any law or the provision of any law to the contrary notwithstanding; and when two or more railroads cross each other at a common grade, either of such roads may apply to the Interstate Commerce Commissioners for permission to introduce upon both of said railroads some system of interlocking or automatic signals or works or fixtures rendering it safe for engines and trains to pass over such crossings without stopping, and it shall be the duty of said Interstate Commerce Commissioners, if the system of works and fixtures which it is proposed to erect by said company are, in the opinion of the Commission, sufficient and proper, to grant such permission.

Automatic signals at crossings.

Approval by Interstate Commerce Commissioners.

Common grade crossing.

SEC. 19. That any railroad company which has obtained permission to introduce a system of interlocking or automatic signals at its crossing at a common grade with any other railroad, as provided in the last section, may, after thirty days' notice, in writing, to such other railroad company, introduce and erect such interlocking or automatic signals or fixtures; and if such railroad company, after such notification, refuses to join with the railroad company giving such notice in the construction of such works or fixtures, it shall be lawful for said company to enter upon the right of way and tracks of such second company, in such manner as to not unnecessarily impede the operation of such road, and erect such works and fixtures, and may recover in any action at law from such second company one-half of the total cost of erecting and maintaining such interlocking or automatic signals or works or fixtures on both of said roads.

Notice of intent to use signals at crossings.

Division of cost.

SEC. 20. That all mortgages executed by any railway company conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights, franchises, and property of said company as therein expressed.

Mortgages.

SEC. 21. That Congress hereby reserves the right at any time to alter, amend, or repeal this Act, or any portion thereof.

Amendment.

SEC. 22. That any railway company which has heretofore acquired, or may hereafter acquire, under any other Act of Congress, a railroad right of way in Indian Territory may, in the manner herein prescribed, obtain any or all of the benefits and advantages of this Act, and in such event shall become subject to all the requirements and responsibilities imposed by this Act upon railroad companies acquiring a right of way hereunder. And where the time for the completion of a railroad in Indian Territory under any Act granting a right of way therefor has expired, or shall hereafter expire, in advance of the construction of

General extension of privileges.

Extension of time.

such railroad, or of any part thereof, the Secretary of the Interior may, upon good cause shown, extend the time for the completion of such railroad, or of any part thereof, for a time not exceeding two years from the date of such extension.

Rights of way through Indian lands.
Ante, p. 102.
Repeal as to Oklahoma and Indian Territory.
Provisos.
Prior rights not affected.
Osage and other Indian reservations.
Judicial proceedings.

SEC. 23. That an Act entitled "An Act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March second, eighteen hundred and ninety-nine, so far as it applies to the Indian Territory and Oklahoma Territory, and all other Acts or parts of Acts inconsistent with this Act are hereby repealed: *Provided*, That such repeal shall not affect any railroad company whose railroad is now actually being constructed, or any rights which have already accrued; but such railroads may be completed and such rights enforced in the manner provided by the laws under which such construction was commenced or under which such rights accrued: *And provided further*, That the provisions of this Act shall apply also to the Osages' Reservation and other Indian reservations and allotted Indian lands in the Territory of Oklahoma, and all judicial proceedings herein authorized, may be commenced and prosecuted in the courts of said Oklahoma Territory which may now or hereafter exercise jurisdiction within said reservations or allotted lands. [*February 28, 1902.*]

March 24, 1902.
32 Stat., 90.

CHAP. 276.—An act to change the boundaries between the southern and central judicial districts of the Indian Territory.

Indian Territory judicial districts.
Change of boundaries between southern and central districts.
1895, Mar. 1, c. 145, ante, p. 71.

Be it enacted, &c., That all that portion of the Chickasaw Nation east of the Washita River, from the junction of Island Bayou and the Red River, up the Red River to the mouth of the Washita River, and up said river to the mouth of Butcherpen Creek, and north up said Butcherpen Creek to the township line between townships four and five south, in range seven east, thence along said township line to the boundary line between the Choctaw and Chickasaw nations, in range eight east, shall be added to the central judicial district of the Indian Territory.

Central district.
Jurisdiction.

SEC. 2. That the United States court for the central judicial district of the Indian Territory shall have jurisdiction over all cases, civil and criminal, arising within the said described boundaries after the passage of this Act.

Additional commissioner.

SEC. 3. That the judge of the United States Court in the Indian Territory presiding in the central judicial district thereof is hereby authorized and empowered to appoint an additional United States commissioner within said district, who shall be permanently located at Durant, in the Choctaw Nation, and to prescribe by metes and bounds the portion of the district for which such commissioner is appointed. [*March 24, 1902.*]

May 19, 1902.
32 Stat., 200.

CHAP. 816.—An act for the protection of cities and towns in the Indian Territory, and for other purposes.

Indian Territory.
Certain towns authorized to issue bonds, etc., for public improvements.
Limit of issue.
Assent of two-thirds of voters required.

Be it enacted, &c., That any incorporated city or town in the Indian Territory having a population of two thousand or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewers and waterworks and the building of schoolhouses; such bonds not to exceed an amount, the interest on which at five per centum per annum would be liquidated by a tax of five mills upon the dollar of the valuation of the taxable property in such city or town, to be ascertained by the last assessment for purposes of taxation; that before such bonds shall be issued the same shall be authorized by a two-thirds majority of the qualified

Provisos.
Restrictions.

Census to be taken before election.

voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality: *Provided*, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, that all the requirements of this section have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be: *Provided, however*, That before any election shall be held for the purposes herein named a census shall be taken and the population of said municipality ascertained by some suitable person, or persons, appointed for that purpose by the said judge of the district court, who shall make a sworn return to said judge showing the number of inhabitants thereof, and that the judgment or decree shall set forth the population and taxable wealth of the municipality, and said order or decree shall be printed on said bond and made a part thereof and shall be final and conclusive against said municipality in any litigation on said bonds.

Bonds.

Interest.

SEC. 2. That such bonds shall contain all necessary and usual provisions expressing the contract, shall be signed by the mayor, and countersigned by the treasurer of such municipality, who shall keep a proper record of such bonds. Said bonds shall not bear a rate of interest exceeding five per centum per annum, payable semiannually, and none of said bonds shall be sold at less than their par value.

Annual tax.

Proviso.

Limit of additional bonds.

SEC. 3. That any municipality incurring any indebtedness for the purposes provided for in this Act shall, by ordinance which shall be irrepealable, provide for the collection of an annual tax sufficient to pay the interest on such bonds, as the same falls due, and also to pay and discharge the principal thereof within twenty years from the date of contracting the same: *Provided*, That if any municipality shall have the authority under any special Act to issue its bonds, the amount of the bonds issued under the special Act shall be first deducted, and there shall only be issued under this Act such additional bonds as shall not exceed the limit provided in this Act. [*May 19, 1902.*]

May 27, 1902.

32 Stat., 245.

CHAP. 888.—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes.

Post, p. 123.

Be it enacted, etc., * * * that the following sums be and they are hereby appropriated * * *:

[32 Stat., 258.]
Commission to Five Civilized Tribes.

Provisos.
Powers continued.
Children added to Creek roll.

1901, Mar. 1, ch. 676, post, p. 729.

For salaries of four commissioners appointed under Acts of Congress, approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars: *Provided*, That said commission shall exercise all the powers heretofore conferred upon it by Congress: *Provided further*, That all children born to duly enrolled and recognized citizens of the Creek Nation up to and including the twenty-fifth day of May, nineteen hundred and one, and then living, shall be added to the rolls of citizenship of said nation made under the provisions of an Act entitled "An Act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians and for other purposes," approved March first, nineteen hundred and one, and if any such child has died since the twenty-fifth day of May, nineteen hundred and one, or may hereafter die, before receiving his allotment of land and distributive share of the funds of the tribe, the lands and moneys to which he would be entitled if living shall

Rules for descent, etc.
June 30, 1902, c. 1323; post, p. 761.
Post, p. 729.

descend to his heirs and be allotted and distributed to them accordingly: *And provided further*, That the Act entitled "An Act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes," approved March first, nineteen hundred and one, in so far as it provides for descent and distribution according to the laws of the Creek Nation, is hereby repealed and the descent and distribution of lands and moneys provided for in said Act shall be in accordance with the provisions of chapter forty-nine of Mansfield's Digest of the Statutes of Arkansas in force in Indian Territory. * * *

[32 Stat., 259.]
Lawful possessors of town sites.
Allotment to members of civilized tribes.
Ante, p. 90.

That it shall hereafter be unlawful to remove or deport any person from the Indian Territory who is in lawful possession of any lots or parcels of land in any town or city in the Indian Territory which has been designated as a town site under existing laws and treaties, and no part of this appropriation shall be used for the deportation or removal of any such person from the Indian Territory: *Provided*, That the just and reasonable share of each member of the Chickasaw, Choctaw, Creek, and Cherokee nations of Indians, in the lands belonging to the said tribes, which each member is entitled to hold in his possession until allotments are made, as provided in the Act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, be, and the same is hereby, declared to be three hundred and twenty acres for each member of the Chickasaw Nation, three hundred and twenty acres for each member of the Choctaw Nation, one hundred and sixty acres for each member of the Creek Nation, and one hundred acres for each member of the Cherokee Nation. * * *

[32 Stat., 275.]
Lands inherited from Indians may be conveyed in fee.
Minors.
Taxation.
Proviso.
Restriction.

SEC. 7. That the adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such decedent, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. All allotted land so alienated by the heirs of an Indian allottee and all lands so patented to a white allottee shall thereupon be subject to taxation under the laws of the State or Territory where the same is situate: *Provided*, That the sale herein provided for shall not apply to the homestead during the life of the father, mother or the minority of any child or children.

Indian Territory western judicial district created.
Ante, p. 71.
Boundaries.
Terms.
Judge.
Ante, p. 86.

SEC. 8. That the part of the northern district of the Indian Territory consisting of the Creek country, the Seminole country, and all that portion of the Cherokee and Choctaw nations included in the following-described boundaries, to wit: Commencing at the northeast corner of the Creek Nation and running east on the line between townships nineteen and twenty, to its intersection with the dividing line between ranges twenty and twenty-one, east, thence south on said line to its intersection with the Arkansas River, thence down the Arkansas River to its intersection with the Canadian River, thence up the Canadian River to its intersection with the dividing line between ranges twenty and twenty-one, east, thence south to the intersecting line between townships seven and eight, thence west on the intersecting line between townships seven and eight to the Creek Nation, be, and the same is hereby, made the western district in said Territory, and the places of holding courts in said western district shall be Muscogee, Wagoner, Sapulpa, Wewoka, Eufaula and Okmulgee. The judge appointed under the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June seventh, eighteen hundred and ninety-seven, shall be the judge of said western district, and he is hereby authorized to appoint a clerk who shall reside and keep his office at one of the places of holding court in said western district. That each of the three commissioners with headquarters at Muscogee, Eufaula, and Wewoka, respectively, shall be United States commissioners for said western district for a period of four years from the date of their appointment and until their respective successors shall be appointed and qualified, and the two constables now in office whose headquarters are at Muscogee and Eufaula, respectively, shall be constables in said western district until their successors shall be appointed and qualified; and said judge may appoint a constable for the commissioner at Wewoka, and the said judge may appoint an additional commissioner to be located at Checotah, and an additional constable for said commissioner's court. Each of the United States commissioners and each of the four constables now located in the northern district as constituted by this Act shall continue to be United States commissioners and constables, respectively, for said district until their successors shall be appointed and qualified. That the clerk's office at Vinita shall also be the recorder's office for the northern district, except that the clerk's office at Miami shall continue to be the recording office for the Quapaw Indian Agency as now provided by law. The United States marshal of the present northern district shall be marshal of the western district, and there shall be appointed by the President, by and with the advice and consent of the Senate, a district attorney for said western district, and a United States marshal for the northern district. The said officers shall be appointed and shall hold office for the period of four years, and shall receive the same salary and fees and discharge like duties as other similar officers in said Territory. The cases now pending in that part of the northern district which is hereby made the western district shall be tried the same as if brought in said western district. Terms of court shall continue to be held within the territory remaining in said northern district at the places now provided by law for the holding of courts therein, and in addition thereto at the towns of Sallisaw, Claremore, Nowata, and Pryor Creek, in the Cherokee country. All laws now applicable to the existing judicial districts in the Indian Territory, and to attorneys, marshals, clerks, and their assistants or deputies therein, not inconsistent herewith, are hereby made applicable to the western district. In addition to the places now provided by law for holding courts in the southern and central districts, courts in the southern district shall also be held at Tishomingo and Ada, and in the central district at Durant. The United States judge for the central district of the Indian Territory, after the approval of this Act, may appoint a constable for the commissioner located at Durant. * * * [*May 27, 1902.*]

Commissioners and constables.

Recorder's office, northern district.
29 Stat., 330.

Marshals and district attorney.

Pending causes.

Terms northern district.
Ante, p. 71.

Terms southern and central districts.

Constable at Durant.

May 31, 1902.
32 Stat., 284.

CHAP. 946.—An act providing that the statute of limitations of the several States shall apply as a defense to actions brought in the United States courts for the recovery of lands patented in severalty to members of any tribe of Indians under any treaty between it and the United States of America.

Be it enacted, &c., That in all actions brought in any State court or United States court by any patentee, his heirs, grantees, or any person claiming under such patentee, for the possession or rents or profits of lands patented in severalty to the members of any tribe of Indians under any treaty between it and the United States of America, where a deed has been approved by the Secretary of the Interior to the land sought to be recovered, the statutes of limitations of the States in which said land is situate shall be held to apply, and it shall be a com-

Lands in severalty to Indians.

State statutes of limitations applicable in suits against.

plete defense to such action that the same has not been brought within the time prescribed by the statutes of said State the same as if such action had been brought for the recovery of land patented to others than members of any tribe of Indians.

Limitation.

SEC. 2. That this Act shall not apply to any suits brought within one year from and after its passage. [*May 31, 1902.*]

June 21, 1902.
32 Stat., 395.

CHAP. 1137.—An act to fix the fees of United States marshals in the Indian Territory, and for other purposes.

Indian Territory.
Fees of marshals and deputies.

R. S., 829.

Deductions, etc., allowed.

Submission of proof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in felony cases before United States commissioners for preliminary examination, and in all cases in the district courts, whether arising under the laws of the United States or under the statutes of Arkansas, as made applicable to the Indian Territory, section eight hundred and twenty-nine of the Revised Statutes of the United States shall be applicable to the services rendered by United States marshals and their respective deputies in said Territory, and all deductions and disallowances made by the accounting officers under the decision of the Comptroller of the Treasury of the United States shall be allowed, except so far as the marshals have been reimbursed for the amounts of such deductions and disallowances; but before any item of such deductions or disallowances shall be allowed, proof satisfactory to the Auditor for the State and other Departments shall be made that the amount of such item has not been reimbursed to the marshal.

Witnesses' fees.

R. S., 848.

R. S., 850.

SEC. 2. That all witnesses in felony cases before United States commissioners, and all witnesses in civil and criminal cases in the district courts of said Territory, shall be entitled to the fees provided in section eight hundred and forty-eight of the Revised Statutes of the United States, except that clerks and other officers of the United States shall be entitled to the compensation provided in section eight hundred and fifty of the Revised Statutes of the United States.

Repeal.

SEC. 3. That all Acts and parts of Acts in conflict with this Act are hereby repealed. [*June 21, 1902.*]

June 27, 1902.
32 Stat., 399.

CHAP. 1156.—An act to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to the survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two.

Pensions.
Indian war service, extended.
27 Stat., 281.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions, limitations, and benefits of the Act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended, from the date of the passage of this Act, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of eighteen hundred and seventeen and eighteen hundred and eighteen; the Fevre River Indian war of Illinois of eighteen hundred and twenty-seven; the Sac and Fox Indian war of eighteen hundred and thirty-one; the

Sabine Indian disturbances of eighteen hundred and thirty-six and eighteen hundred and thirty-seven; the Cayuse Indian war of eighteen hundred and forty-seven and eighteen hundred and forty-eight, on the Pacific coast; the Florida wars with the Seminole Indians, from eighteen hundred and forty-two to eighteen hundred and fifty-eight, inclusive; the Texas and New Mexico Indian war of eighteen hundred and forty-nine to eighteen hundred and fifty-six; the California Indian disturbances of eighteen hundred and fifty-one and eighteen hundred and fifty-two; the Utah Indian disturbances of eighteen hundred and fifty to eighteen hundred and fifty-three, inclusive, and the Oregon and Washington Territory Indian wars from eighteen hundred and fifty-one to eighteen hundred and fifty-six, inclusive; and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this Act the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void. [*June 27, 1902.*]

Provisos.
Remarriage of widows.
Proof of service.
Contracts.

May 27, 1902.
32 Stat., 742.

[No. 24.] Joint resolution fixing the time when certain provisions of the Indian appropriation act for the year ending June thirtieth, nineteen hundred and three, shall take effect.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," shall take effect from and after July first, nineteen hundred and two, except as otherwise specially provided therein. [*May 27, 1902.*]

Indian appropriation act.
Date of effect.
Ante, p. 119.

PART II.[a]

PERMANENT ACTS RELATING TO PARTICULAR TRIBES.

ACTS OF THIRTY-SEVENTH CONGRESS—FIRST SESSION, 1863.

Feb. 21, 1863.

12 Stat., 658.

CHAP. 53.—An act for the removal of the Winnebago Indians, and for the sale of their reservation in Minnesota for their benefit.[b]

President may set apart a tract of land for the Winnebago Indians.

65 Fed. Rep., 90; 79 Fed. Rep., 886.

See treaty of Apr. 15, 1859. See treaty of Mar. 8, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to assign to and set apart for the Winnebago Indians a tract of unoccupied land beyond the limits of any State, in extent at least equal to their diminished reservation, the same to be well adapted for agricultural purposes. And it shall be lawful for the President to take such steps as he may deem proper to effect the peaceful and quiet removal of the said Indians from the State of Minnesota, and to settle them upon the lands which may be assigned to them under the provisions of this act.

May remove them from Minnesota.

1870, c. 296, post, p. 127; 1872, c. 233, post, p. 132.

Subdivisions of present reservation to be appraised.

Report of Comr. Ind. Aff., 1900, p. 55; 1874, c. 289, post, p. 159; 1881, c. 28, post, p. 187; 1888, c. 519, post, p. 286.

SEC. 2. *And be it further enacted*, That upon the removal of the said Indians from the reservation where they now reside, it shall be the duty of the Secretary of the Interior to cause each legal subdivision of the said lands to be appraised by discreet persons to be appointed by him for that purpose. And in each instance where there are improvements upon any legal subdivision of said lands, the improvements shall be separately appraised. But no portion of the said lands shall be subject to pre-emption settlement, entry, or location under any act of Congress, unless the party pre-empting, settling upon or locating any portion of said lands shall pay therefor the full appraised value thereof, including the value of the said improvements, under such regulations as hereinafter provided.

When to be subject to preemption.

After appraisal to be opened to preemption, etc.

SEC. 3. *And be it further enacted*, That after the appraisal of the said reservation the same shall be opened to pre-emption, entry and settlement in the same manner as other public lands: *Provided*, That before any person shall be entitled to enter any portion of the said lands, by pre-emption or otherwise, previous to their exposure to sale to the highest bidder, at public outcry, he shall become an actual bona fide settler thereon, and shall conform to all the regulations now provided by law in cases of pre-emption, and shall pay, within the term of one year from the date of his settlement, the full appraised value of the land, and the improvements thereon, to the land officers of

Who may preëmpt

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[a] References under this part are to the annual report of the Commissioner of Indian Affairs and to the files of the Indian Office.

[b] Legislation relating to the Winnebago in Wisconsin, Minnesota, and Nebraska is principally to be found in the foregoing act and in the act of July 15, 1870, post p. 127, as explained by the act of May 29, 1872, post p. 132, and the act of January 18, 1881, post p. 187.

By the act of June 22, 1874, the purchase of a part of the Omaha reservation in Nebraska for the use of the Winnebago was authorized, and the act of 1881, supra, adjusted money matters between the Wisconsin and Nebraska divisions of the tribe, and by the 5th section provided that the land allotted in Wisconsin should be inalienable for twenty years. This restriction was removed by the act of February 20, 1895, post p. 557.

Railroad rights of way through Winnebago lands have been specially provided for in the acts of 1894, ch. 117, post p. 513, as amended by 1897, ch. 170, post p. 616; 1898, ch. 100, post p. 634, and 1899, ch. 225, post p. 682.

What is not preempted may be sold.

Minimum price.

Improvements.

the district where the said lands are situated. And the portion of the said reservation which may not be settled upon, as aforesaid, may be sold at public auction, as other public lands are sold, are sold, after which they shall be subject to sale at private entry, as other public lands of the United States, but no portion thereof shall be sold for a sum less than their appraised value before the first of January, Anno Domini eighteen hundred and sixty-five, nor for a less price than one dollar and twenty-five cents per acre, unless otherwise provided by law: *Provided*, That where improvements have been made upon said lands by persons authorized by law to trade with said Indians, the value of such improvements, or the price for which the same may be sold, shall be paid to the parties making the same; and in case the land upon which such improvements shall have been made shall be purchased by the parties making the same, at the appraised value as aforesaid, the value of the improvements so made by him shall form no part of the purchase price to be paid for said land.

Lands set apart for debts to be sold by sealed bids.

Time, etc., for bidding.

What received in payment.

Proceeds, how disposed of.
1870, c. 296, post, p. 127.

Allotments in severalty.
1885, c. 114, post, p. 557.

Patents to issue.

SEC. 4. *And be it further enacted*, That the lands of said Indians which have been set apart for the payment of the debts of the said Indians shall be sold on sealed bids for the best price the same will bring; but no bids shall be received for said lands until the first day of January, Anno Domini eighteen hundred and sixty-five, for less than two dollars and fifty cents per acre. Bids shall be received for tracts of quarter sections; and for such tracts conforming to the Government surveys less than one hundred and sixty acres as will secure the largest price for said lands, the Secretary is authorized to receive, in payment of said lands, certificates of indebtedness of said Indians, issued by the Commissioner of Indian Affairs for the debts of said Indians, secured to be paid out of the sale of said lands by the third article of the treaty of the said Indians with the United States, concluded at Washington on the fifteenth day of April, eighteen hundred and fifty-nine. The money arising from the sale of their said lands, after paying the indebtedness required by said treaty to be paid shall be paid into the Treasury of the United States, and shall be expended as the same is received, under the direction of the Secretary of the Interior, in necessary improvements upon their new reservation; and it shall be the duty of the Secretary of the Interior to allot to said Indians in severalty lands which they may respectively cultivate and improve, not exceeding eighty acres to each head of a family other than to the chiefs, to whom larger allotments may be made, which lands, when so allotted, shall be vested in said Indian and his heirs, without the right of alienation, and shall be evidenced by patent.

Annual appropriations, how expended.

Discrimination in favor of faithful chiefs.

Subject to criminal laws of State.

Contracts of Indians invalid, without consent of President, except contracts with natives.

Secretary of Interior to provide for their education.

SEC. 5. *And be it further enacted*, That the money to be annually appropriated for the benefit of the said Indians shall be expended in such manner as will, in the judgment of the President, best advance the said Indians in agricultural and mechanical pursuits, and enable them to sustain themselves without the aid of the Government. And in such expenditure reasonable discrimination may be made in favor of the chiefs who shall be found faithful to the Government of the United States, and efficient in maintaining its authority and the peace of the Indians. Said Indians shall be subject to the laws of the United States, and to the criminal laws of the State or Territory in which they may happen to reside. They shall also be subject to such rules and regulations for their government as the Secretary of the Interior may prescribe; but they shall be deemed incapable of making any valid civil contract with any person other than a native member of their tribe without the consent of the President of the United States. The Secretary of the Interior shall also make reasonable provision for the education of said Indians, according to their capacity and the means at his command.

Approved February 21, 1863.

ACTS OF THIRTY-EIGHTH CONGRESS—FIRST SESSION, 1864.

June 25, 1864.

13 Stat., 161.

CHAP. 148.—An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June thirtieth, eighteen hundred and sixty-five, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

[13 Stat., 172.]

Funds of stray bands of Winnebago and Pottawatomi.

For deficiencies in subsistence and expenses of removal and support of the Sioux and Winnebago Indians of Minnesota, during the fiscal year ending June thirtieth, eighteen hundred and sixty-four, one hundred thirty-seven thousand two hundred and ninety-three dollars and forty cents: *Provided*, That the portion expended on behalf of the Winnebagoes shall be reimbursed to the treasury upon the sale of their lands in Minnesota, to enable the Secretary of the Interior to take charge of certain stray bands of Winnebago and Pottawatomie Indians, now in the State of Wisconsin, with a view to prevent any further depredations by them upon the citizens of that State, and for provisions and subsistence, ten thousand dollars: *Provided*, That the proportion of annuities to which said stray bands of Pottawatomies and Winnebagoes would be entitled if they were settled upon their reservations with the respective tribes shall be retained in the treasury to their credit, from year to year, to be paid to them when they shall unite with their said tribes, or to be used by the Secretary of the Interior in defraying the expenses of their removal, or in settling or subsisting them on any other reservation which may hereafter be provided for them.

* * * * * * *

Approved, June 25, 1864.

ACTS OF FORTY-FIRST CONGRESS—SECOND SESSION, 1870.

July 15, 1870.

16 Stat., 335.

CHAP. 296.—An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

[16 Stat., 355.]
Winnebago fund.

For the purpose of refunding to the Winnebago Indians the amount taken from their tribal funds to pay the expenses of their removal from Minnesota, the sum of two hundred and thirty-two thousand three hundred and forty-five dollars and ninety-nine cents, of which two hundred thousand dollars shall be placed to the credit of these Indians upon the books of the treasury, on which shall be allowed five per cent. per annum, the income therefrom to be expended under the direction of the Secretary of the Interior, for the erection of houses, the improvement of their allotments of lands, the purchase of stock, agricultural implements, seeds, and other beneficial purposes.

* * * * * * *

[16 Stat., 361.]
Claims of certain Winnebago in Minnesota to be investigated.
Patents to issue.

1863, c. 53, ante, p. 129, and note.
1872, c. 233, post, p. 132.

12 Stat., 1101.
1866, c. 114, post, p. 537.

SEC. [9.] *And be it further enacted*, That the Secretary of the Interior be, and hereby is, directed to cause to be investigated and to determine the claims of certain Indians of the Winnebago tribe now lawfully residing in the State of Minnesota; to issue patents without the right of alienation to those of them whom he shall find to be entitled thereto for the lands heretofore allotted to them in severalty, or which may have been designated by them for allotment, under the provisions of the treaty ratified March sixteen, eighteen hundred and sixty-one, or of an act entitled "An act for the removal of the Winnebago Indians, and for the sale of their reservation in Minnesota for their benefit" approved February twenty-one, eighteen hundred and sixty-three, and

Proviso if lands have been sold.

Winnebago in Minnesota entitled to their proportion of annuities.

which may not have been sold or disposed of by the United States; and in case of such sale, then such land as may be hereafter designated by them for allotment as aforesaid out of any unsold lands within the limits of said Winnebago reservation in Minnesota, and should it be impracticable to make such allotments within the limits of said reservation on good agricultural lands, then they may be made on any public lands of the United States subject to sale at private entry within the State of Minnesota. And the said Winnebago Indians, and all others being members of said tribe lawfully residing in the State of Minnesota, shall hereafter be entitled to receive their pro rata distributive proportion of all annuities in goods, money, or property, and any other moneys to which said tribe is or may be entitled under any law or treaty now in force, at their homes in Minnesota, the same as though they had removed West and settled with the Western Winnebagoes.

Such Indians desiring to become citizens of the United States to do what.

May be declared to be citizens.

Lands may be conveyed to them in fee simple and portion of money paid.

Such persons to cease to be members of the tribe, etc., upon, etc.

SEC. [10] *And be it further enacted*, That if at any time hereafter any of the said Indians shall desire to become citizens of the United States they shall make application to the judge of the district court of the United States for the district of Minnesota, and in open court make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and shall also make proof to the satisfaction of said court that they are sufficiently intelligent and prudent to control their affairs and interests; that the[y] have adopted the habits of civilized life and have for at least five years previous thereto been able to support themselves and families; whereupon they shall be declared by said court to be citizens of the United States, which declaration shall be entered of record, and a certificate thereof given to said party. On the presentation of the said certificate to the Secretary of the Interior, with satisfactory proof of identity, he may at the request of such person or persons cause the land severally held by them to be conveyed to them by patent in fee simple, with power of alienation, and may at the same time cause to be paid to them their proportion of all the moneys and effects of said tribe, held in trust by or under the provisions of any treaty or law of the United States. And on such patents being issued, and such payments ordered to be made, such person shall cease to be members of said tribe, and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens.

Approved, July 15, 1870.

ACTS OF FORTY-FIRST CONGRESS—THIRD SESSION, 1871.

Feb. 6, 1871.

16 Stat., 404.

CHAP. 38.—An act for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin.

The two townships of land set apart for the Stockbridge and Munsee tribe of Indians to be examined and appraised.

Appraisal to state what.

Act of Mar. 3, 1893, post, p. 500.

To be subject to public inspection.

Where to be returned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the two townships of land, situated in the county of Shawanaw, and State of Wisconsin, set apart for the use of the Stockbridge and Munsee tribe of Indians, shall, under direction of the Secretary of the Interior, be examined and appraised, by two or more disinterested appraisers to be selected by him, in eighty acre lots, according to public survey; such appraisal shall state the quality of the soil, the quantity, quality, and value of the timber growing on each lot, estimating the pine timber at not less than one dollar per thousand, and the value of all improvements, if any, made thereon, with the name of the owner of such improvements, as certified by the sachem and councillors of said tribe, and, when returned to the land office of the district in which said lands are situated, be subject to public inspection for at least thirty days before the day appointed for the sale of such lands, as hereinafter provided. One copy of said appraisal shall be made and returned to the land office of the district, and a duplicate thereof to the Secretary of the Interior, within six months from the passage of this act, and the person[s]

Pay of appraisers.

appointed to make such appraisal shall be allowed such compensation for their services as may be fixed by the Secretary of the Interior.

The two townships to be advertised for sale at public auction.

Notice of time and place of sale.

Mode of sale.

Not subject to entry until, etc.

Lands unsold to be again offered for sale, etc.

When subject to private entry.

To be sold for cash only.

Not over eighteen sections may be reserved from sale, subject, etc.

SEC. 2. *And be it further enacted*, That the said two townships of land shall be advertised for sale, by notice of not less than three months, to be published in at least three newspapers of the district having general circulation, and shall be offered at public auction, at the nearest Government land office within the Green Bay agency, to the highest bidder, in lots of not exceeding eighty acres each, but shall not be sold for less than the appraised value thereof. None of said lands shall be subject to entry until they shall have been offered as aforesaid, and then only at the price fixed by such appraisal. All of said lands remaining unsold at the expiration of one year after they shall have been offered as aforesaid shall again be advertised and offered at public auction at the nearest Government land office within the Green Bay agency, at not less than the minimum of one dollar and twenty-five cents per acre, and thereafter shall be subject to private entry at the latter price, and shall in all cases be sold for cash only: *Provided, however*, That the Secretary of the Interior is hereby authorized to reserve from sale a quantity of said lands not exceeding eighteen contiguous sections, embracing such as are now actually occupied and improved, and are best adapted to agricultural purposes, subject to allotment to members of the Indian party of said tribe as hereinafter provided.

Proceeds of sale, how to be applied.

SEC. 3. *And be it further enacted*, That from the first proceeds of the sale of lands, as provided in the second section of this act, shall be paid the expenses of appraisal and sale of said lands, the amount due to individuals for improvements as returned by the appraisers, and the amount of the debts contracted by the sachem and councillors for the benefit of said tribes, amounting to the sum of eleven thousand dollars, according to a schedule to be certified by them, and returned to the commissioner of Indian affairs.

Statement to be made up showing whole amount due from the United States to the Stockbridge and Munsee Indians.

22 June, 1874, c. 389, 18 Stat., 174.

Vol. 2, p. 391.

R. S., 2310.

SEC. 4. *And be it further enacted*, That, immediately after the returns shall be received at the General Land-Office of the last public sale according to the provisions of this act, a statement shall be made up, under the direction of the Secretary of the Interior, exhibiting the gross amount of moneys realized from the sale of the said two townships of land, after deducting therefrom the sums appropriated by the preceding sections of this act, to which said amount shall be added the value of the lands remaining unsold of said two townships, estimating the same at sixty cents per acre; also the sum of six thousand dollars held in trust by the Government of the United States for the use of the Stockbridge and Munsee tribes of Indians, under the treaty of eighteen hundred and thirty-nine; and the total amount thereof shall constitute the entire sum of money due from the Government of the United States to the said Stockbridge and Munsee tribes of Indians, to be paid and appropriated for their benefit as hereinafter directed.

Amount found due the tribes, how to be divided.

Citizens.

Indian party.

Interest, how to be applied.

New location.

SEC. 5. *And be it further enacted*, That the sum of money thus found due to the said tribes shall be divided between the citizen and Indian parties of said tribes, in proportion to the number of each, respectively, according to rolls thereof, made and returned in conformity with the provisions of this act to the Commissioner of Indian Affairs: That portion of said sum belonging to the citizen party shall be equally divided among them per capita, and paid to the heads of families, and adult members of said party; that portion of said sum belonging to the Indian party shall be placed to their credit on the books of the treasurer of the United States, and bear interest at the rate of five per centum per annum, payable semi-annually, and said interest shall be applied to the support of schools, the purchase of agricultural implements, or paid in such other manner as the President may direct: *Provided, however*, That a part of said sum due the Indian party, not exceeding thirty thousand dollars, may, on the request of the sachem and councillors of said tribe, be expended in securing a new location for said tribe, and in removing and aiding them to establish themselves in their new home;

and in case of their procuring and removal to such new location, at any time, the said eighteen sections of land reserved for their use by the second section of this act shall be sold in the manner therein provided, and the proceeds thereof be placed to their credit as aforesaid.

Two rolls to be prepared.

Citizen roll to include whom.

See Wells's report Apr. 29, 1874. [Green Bay, W., 664.]

Indian roll.

Rolls to be signed, etc., certified, and returned to Commissioner of Indian Affairs.

Certain persons not to be entered on rolls.

5 Stat., 645.

9 Stat., 55.

Vol. 2, p. 556.

Citizen roll to be held as a surrender by those thereon of all claims as members of tribe, etc.

SEC. 6. *And be it further enacted*, That for the purpose of determining the persons who are members of said tribes and the future relation of each to the Government of the United States, there shall be prepared, under the direction of the Commissioner of Indian Affairs, or such person as may be selected by him to superintend the same, two rolls, one to be denominated the citizen roll, to embrace the names of all such persons of full age, and their families, as signify their desire to separate their relations with said tribe, and to become citizens of the United States; the other to be denominated the Indian roll, and to embrace the names of all such as desire to retain their tribal character and continue under the care and guardianship of the United States; which said rolls shall be signed by the sachem and councillors of said tribe, certified by the person superintending the same, and returned to the Commissioner of Indian Affairs, but no person of full age shall be entered upon said citizen roll without his or her full and free consent, personally given to the person superintending such enrollment; nor shall any person, or his or her descendants, be entered upon either of said rolls who may have heretofore separated from said tribe and received allotment of lands under the act of Congress for the relief of the Stockbridge tribe of Indians, of March third, eighteen hundred and forty-three, and amendment of August six, eighteen hundred and forty-six, or under the treaty of February five, eighteen hundred and fifty-six, or who shall not be of Stockbridge or Munsee descent. After the said rolls shall be made and returned as herein provided, the same shall be held as a full surrender and relinquishment on the part of the citizen party, each and every one of them, of all claims to be thereafter known or considered as members of said tribe, or in any manner interested in any provision heretofore or hereafter to be made by any treaty or law of the United States for the benefit of said tribes, and they and their descendants shall thenceforth be admitted to all the rights and privileges of citizens of the United States.

The Indian party to be known as, etc.

Where to be located.

Adoption void, etc.

SEC. 7. *And be it further enacted*, That after the said rolls shall have been made and returned, the said Indian party shall thenceforth be known as the "Stockbridge Tribe of Indians," and may be located upon lands reserved by the second section of this act, or such other reservation as may be procured for them, with the assent of the council of said tribe, and their adoption among them of any individual, not of Indian descent, shall be null and void.

Reservation when obtained, etc., to be surveyed, subdivided, and allotted.

Heads of families.

Males.

Females.

Lands to be inalienable, and how to descend.

SEC. 8. *And be it further enacted*, That as soon as practicable, after a suitable and permanent reservation shall be obtained and accepted by said tribe, either at their present home or elsewhere, the same shall, under the direction of the Secretary of the Interior, be surveyed and subdivided to correspond with the public survey, and the council of said tribe under the superintendence of the agent of the United States, shall make a just and fair allotment of so much thereof (in compact form) as may be required, among the individuals and families composing said tribe, as follows: Each head of a family consisting of four persons shall receive eighty acres of land, and if consisting of more than four persons, at the discretion of the council, eighty acres more may be assigned to him or her; each male person above the age of eighteen years, not included in any family, shall receive eighty acres; each female person above the age of eighteen years, not a member of any family, and each orphan child, shall receive forty acres; the lands assigned and allotted as aforesaid shall be held inalienable, and in case of the death of any person, his or her right thereto shall descend to his or her heirs, if members of said tribe, and if he or she dies without heirs capable of inheriting, the land shall revert to and become the common property of said tribe; there shall also be set apart and appro-

Common reservation for church, schoolhouse, etc.

Females to forfeit, if, etc.

priated a lot, not exceeding forty acres, to be held as common property on which to erect a church, parsonage, school-house, and other improvements necessary for the accommodation of said tribe: *Provided*, That if any female shall marry out of said tribe, she shall thereby forfeit all right to hold any of said lands, as if deceased.

Allotments to be made, etc., within one year.

Title to be in the United States in trust.

Surplus lands after allotments.

No change, etc., in allotment unless, etc.

SEC. 9. *And be it further enacted*, That the allotments contemplated in the previous sections of this act, shall be made, and a certified copy thereof returned to the Commissioner of Indian Affairs, within one year after the reservation shall have been made and accepted by said tribe; and thereafter the title of the lands described therein shall be held by the United States in trust for individuals and their heirs to whom the same were allotted. The surplus lands embraced in such reservation remaining after making such allotments shall be held in like manner by the United States, subject to be allotted to individuals of said tribe who may not have received any portion of said reservation, or to be disposed of for the common benefit of said tribe: *Provided*, That no change or addition shall be made in the allotment returned to the Commissioner of Indian Affairs, unless the same shall be approved by the Secretary of the Interior.

J. G. BLAINE,
Speaker of the House of Representatives.
SCHUYLER COLFAX,
Vice-President of the United States and President of the Senate.

Received by the President, January 25, 1871.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

ACTS OF FORTY-SECOND CONGRESS—FIRST SESSION, 1872.

May 11, 1872.
17 Stat., 98.

CHAP. 157.—An Act to carry out certain provisions of the Cherokee treaty of eighteen hundred and sixty-six, and for the relief of settlers on the Cherokee lands in the State of Kansas.[a]

Preamble.
14 Stat., 799.

Whereas in order that certain provisions of the treaty of July nineteenth, eighteen hundred and sixty-six, between the United States and the Cherokee nation may be rendered clearer, and made more satisfactory to settlers upon the lands known as the "Cherokee strip," in the State of Kansas, said settlers having moved thereon since the date of said treaty, and for the purpose of facilitating the sale of said lands: Therefore,

Certain Cherokee lands in Kansas to be surveyed and offered for sale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the strip of land lying west of the Neosho River, and included in the State of Kansas, conveyed to the Cherokee nation of Indians by the United States, and now belonging to said nation, shall be surveyed, under the direction of the Commissioner of the General Land-Office, in the same

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[a] Sales of Cherokee lands: By the above act the sale of what is known as the Public Land Strip was authorized. The act of February 28, 1877, post, p. 172, authorized the sale of the balance of the strip then remaining at a reduced price. The old Cherokee Reservation in Arkansas was sold under the provisions of the act of July 2, 1886 (24 Stat., 121). By the act of May 2, 1890 (26 Stat., 82 and 86), the Public Land Strip was made a part of Oklahoma, and the jurisdiction of courts therein defined. The act of March 3, 1893, post, p. 489, provided for the sale of the Cherokee Outlet.

Trust funds: By the various acts relative to the sales of land referred to above, provision is also made for the investment and disposal of the proceeds. Their funds are further affected by the acts of February 14, 1873, post, p. 141, and March 3, 1873, post, p. 142, relative to the Osage purchase; March 3, 1875 (18 Stat., 447), and August 15, 1876, post, p. 167, relative to the funds of the Eastern Cherokee; October 19, 1888, post, p. 299, provides for the distribution between the Cherokee and the freedmen and adopted members of the tribe; August 4, 1892, post, p. 457, provides for the payment of annual taxes on community lands of the Eastern Band from their trust funds.

Claims: The claims in which the Cherokee have been from time to time involved have, by various acts, been referred to the Court of Claims for adjudication. These

Price.

Fractions of less than 40 acres.

Vol. 2, p. 942.

manner as the public lands of the United States are surveyed, and shall be by him offered for sale under the provisions and restrictions of this act; and all the lands in said tract lying east of the Arkansas River shall be sold at two dollars per acre, and all lands in said tract lying west of said river shall be sold at one dollar and fifty cents per acre, except as hereinafter provided: *Provided*, That, where there is a fraction of land less than forty acres, the same shall be sold with the contiguous tract, expense of survey to be paid out of the proceeds of said land, in accordance with the treaty of July ninth [nineteenth], eighteen hundred and sixty-six.

Heads of families, etc., settlers, etc., upon these lands may enter and purchase not over 160 acres.

29 Apr., 1874, c. 137, s. 2, 18 Stat., 41.

Price and payment.

Heads of families, etc., who may settle, etc., within one year.

Lands not sold within, etc., to be sold, on sealed bids, after, etc.

Proof of settlement, entry, and payment.

Town-site laws made applicable.

Public advertisement.

SEC. 2. That each person being the head of a family or over twenty-one years of age who has made a bona fide settlement and improvement upon any portion of said lands, and is now occupying the same, or, in case of his or her death, the heirs of such, or, if such heirs are minors, their guardians for them, shall be entitled to enter and purchase the lands so settled upon and occupied, not exceeding one hundred and sixty acres, at the price fixed in the first section of this act, payment for which shall be made at any time within one year from the date of the approval by the Secretary of the Interior of the acceptance of the provisions of this act, as provided for in the fifth section hereof; and all persons heads of families or over twenty-one years of age who may settle upon said lands at any time within one year from the date of the passage of this act, may purchase the land so settled upon, not exceeding one hundred and sixty acres, at the price fixed in the first section of this act, and shall make payment therefor within one year from the date of said settlement: *Provided*, That all lands not sold under the foregoing provisions of this section, and all lands settled upon but unpaid for at the expiration of the limitation named in the foregoing provisions of this act, shall, unless such payment be suspended by reason of contest or appeal, be sold by the Secretary of the Interior, on sealed bids, after due advertisement, in tracts not exceeding one hundred and sixty acres, and at not less than the price fixed in the first section of this act: *Provided further*, That proof of settlement, entry, and payment shall be made at the land-office of the proper district, under such regulations as the Commissioner of the General Land-Office shall prescribe: *And provided further*, That the town-site laws shall be, and hereby are, extended to and made applicable to said lands, subject to the provisions of this act: *And provided further*, That the Secretary of the Interior may cause public advertisement to be made of the provisions of this act.

Certain Cherokee citizens, etc., to receive proceeds of sales of certain lands.

SEC. 3. That any Cherokee citizen, or the heirs-at-law of such who had rights under the Cherokee laws to any portion of said lands, and whose titles were valid at the date of the treaty of eighteen hundred and sixty-six, and who may be able to establish such validity within one year from the date of the passage of this act, under such rules as the Secretary of the Interior may prescribe, shall receive the proceeds of the sale of such identical lands, not exceeding one hundred and sixty acres, instead of their being invested as hereinafter provided for in the fourth section of this act.

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are the acts of March 3, 1883, post, p. 216; February 25, 1889, post, p. 316; October 1, 1890, post, p. 372; July 6, 1892, post, p. 446; March 2, 1895, post, p. 558; June 28, 1898, sec. 25, ante, p. 100.

Miscellaneous: The leasing of salt deposits on Cherokee lands in the Indian Territory is permitted by act of August 7, 1882, post, p. 214. The act of March 2, 1889, authorizes the appointment of commissioners, with authority to make agreements with the Cherokee for the cession of lands in the Indian Territory west of the 96th degree, and provides for the disposal of such land as may be ceded. By the general allotment act of 1887 the Cherokee were expressly excluded from its provisions. The act of March 3, 1893, section 15, post, p. 498, authorizes allotments not to exceed 160 acres to an individual. The act of June 28, 1898, chapter 517, ante, p. 98, provides for the enrollment of the Cherokee.

The act of March 1, 1901, post, p. 715, ratifying the agreement made with the Dawes Commission contains numerous provisions relative to the tribe and their lands. See, also, the act of July 1, 1902, post, p. 787.

SEC. 4. That all moneys accruing from the sales of land under this act shall, without unnecessary delay, be invested in the registered five per centum bonds of the United States, as provided in the twenty-third article of the treaty of eighteen hundred and sixty-six.

Proceeds of sales under this act to be invested.

Vol. 2, p. 949.

SEC. 5. That the sale of said lands, as hereinbefore provided for, shall not take place until the provisions of this act are accepted by the Cherokee national council, or by a delegation duly authorized thereby; which acceptance shall be filed with the Secretary of the Interior, and, when approved by him, the same shall be final and conclusive.

Sales not to be made until provisions of this act are accepted by Cherokee national council, etc.

Accepted by delegates May 12, 1872 (see Cherokee, I, 79).

Approved, May 11, 1872.

CHAP. 233.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirty, eighteen hundred and seventy-three, and for other purposes.

May 29, 1872.

17 Stat., 165.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated:

* * * * * * *

To enable the Secretary of the Interior to carry into effect the *the* ninth and tenth sections of the act of July fifteen, eighteen hundred and seventy, making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirty, eighteen hundred and seventy-one, and for other purposes, in the manner therein provided, ten thousand and seventy-one dollars and eighty-four cents, and that the minor children of Sophia Foyles shall be taken and deemed as within the purview of said sections, and shall, through a lawful guardian, be entitled to the benefits thereof; and it is hereby declared to be the intention and meaning of said ninth and tenth sections to authorize and direct the Secretary of the Interior to cause to be patented to each and every Winnebago Indian, lawfully resident in the State of Minnesota at the date of said act, in accordance with the conditions of said two sections, an allotment of land, who have not heretofore received the same in quantity as provided in the treaty of April fifteenth, eighteen hundred and fifty-nine.

1868, c. 53, ante, p. 125; 1870, c. 296, ante p. 127.

Vol. 2, p. 790.

* * * * * * *

SEC. 3. * * * For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to carry on the work of aiding and instructing the Indians on the White Earth reservation, in Minnesota, in the arts of civilization, with a view to their self-support, conditioned upon the assent of the Mississippi band of Chippewas, first expressed in open council in the usual manner, to the settlement of the Otter-Tail band of Pillagers upon the White Earth reservation, with equal rights in respect to the lands within its boundaries, twenty-five thousand dollars.

Civilization of Indians on White Earth Reservation.

Chippewa to consent to Otter-Tail band of Pillagers settling thereon.

History of Otter-Tails. See Agent Luse's report of August 10, 1882 (No. 14941).

See note to 1889, c. 24, post, p. 301.

NOTE.—Indians consent, July 4, 1872. (See Chippewa, S. 21.)

* * * * * * *

Approved, May 29, 1872.

CHAP. 262.—An act to authorize the Secretary of the Interior to make partition of the reservation to Me-shin-go-me-sia, a Miami Indian.[a]

June 1, 1872.

17 Stat., 213.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed, on written application of the chief of said band being first filed in his office, to cause partition to be made of the reservation in trust for the band of

Partition to be made of the reservation in trust for the band of Me-shin-go-me-sia.

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[a] Other legislation relative to the Miami is as follows: The acts of March 3, 1873, post, p. 145, June 23, 1874, ch. 472, 18 Stat., 273, and May 15, 1882, post, p. 197, provide for the sale of the old reservation in Kansas and the union with the Wea,

80 Ind., 402; 126 Ind., 325; 25 N. E. Rep., 548. Vol. 2, p. 582.

Right to purchase released.

Expenses of partition.

If chief fails to make application, within, etc.

Me-shin-go-me-sia, of ten sections of land made by the seventh article of the treaty between the United States and the Miami tribe of Indians, entered into on the twenty-eighth day of November, eighteen hundred and forty, and by the Senate amendment thereto; and the United States hereby release to said band all right of purchase of said reservation. The expenses of said partition to be paid by said band, and the amount to be deducted by the Secretary of the Interior from any annuities or other moneys due or to become due the several persons to whom partition shall be made: *Provided*, That any costs or expenses made by claimants who shall not be found entitled to share in said lands shall not be a lien thereon, but shall be paid by said claimants, to be retained by said Secretary out of any moneys that may be due or become due them from the United States: *And provided further*, That if from any cause the chief of said band shall fail to make said written application within six months next after the passage of this act any person or persons interested in said lands may make the same.

Names of members of band, Nov. 28, 1840, to be ascertained, and partition made to survivors, etc.

Certain persons intermarried to be included in list.

Testimony, how to be taken.

SEC. 2. That the Secretary of the Interior shall ascertain, by name, what persons constituted the band of Me-shin-go-me-sia on the twenty-eighth day of November, anno Domini eighteen hundred and forty, and then shall proceed to make partition of said reserved land per capita, share and share alike in value, to the survivors of said band, and to their descendants, and to descendants of those who were members of said band at said date, but who have since deceased. He shall also include in said partition-list those persons of Miami blood not of said band, but who have intermarried with a member of said band, and who may be living at the date of said partition. In making said partition-lists the Secretary of the Interior is authorized to take or cause to be taken such testimony as he may deem necessary with the information now in his office, to enable him to discharge his duties under this act. Such testimony may be taken before any person authorized to take and certify depositions under the law of the State of Indiana. The testimony to be taken on said reservation.

Homes and improvements.

Value of improvements.

Copies to be sent to auditors of Grant and Wabash counties, Indiana.

Patents to issue.

SEC. 3. That in the partition of said reservation the homes and improvements of the several persons entitled under section two of this act shall be set apart to the occupants as far as can be done in justice to all the parties in interest, the value of said improvements not in any case to be estimated where the same shall be on land awarded to the person who made or caused them to be made, the corners of the several tracts to be distinctly marked and witnessed, and a record kept thereof and filed in the office of the Secretary of the Interior; and certified copies thereof and of the lists so made, as heretofore provided, to be forwarded to and filed in the offices of the auditors of Grant and Wabash counties, in the State of Indiana, where said land lies. The Secretary of the Interior shall, so soon as said partition is made, cause patents to issue to the several persons to whom partition is made under this act, conveying in fee to each the tract of land so set apart to him or her, which shall entitle the owner thereof to the use, occupancy, and control of the same against all claims whatsoever: *Provided*, That after

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Peoria, Kaskaskia, and Piankashaw, under the name of the United Peoria and Miami.

The act of January 23, 1873, post, p. 140, authorizes the Kansas legislature to remove restrictions upon the sale of Miami land, their taxation, etc., when such land may have been conveyed to a white person.

The act of March 3, 1881, post, p. 191, provides for a census and per capita distribution of all funds of the Miami of Indiana. (See also the additional payment authorized by 28 Stat., 903.)

The act of March 2, 1889, post, p. 344, provided for allotments in severalty to the United Peoria and Miami in Indian Territory, restricting the alienation of land allotted, and referred the claims of citizens, members of the tribes, to the Court of Claims. It also provided for the sale of surplus lands after twenty-five years. Partial alienation of allotments is provided by June 7, 1897, post, p. 620; alienation by heirs of deceased allottees is permitted by May 31, 1900, post, p. 702; and the restriction upon the disposal of surplus lands is repealed by May 27, 1902, post, p. 752.

After partition lands subject to laws of descent of Indiana.

the date of partition the said lands shall become subject to the laws of descent of the State of Indiana the same as other lands in said State.

Lands not to be subject to, etc.

SEC. 4. That said lands shall never be subject, in any time to come, to any debt contracted, the consideration of which passed, in whole or in part, prior to the date of partition thereof; nor shall said lands be subject to levy, sale, forfeiture, or mortgage, nor to any lease for a longer period at any one time than three years (to be in writing in all cases), prior to the first day of January, eighteen hundred and eighty-one; nor shall said lands be disposed of, contracted, or sold by the owners thereof, under this partition, prior to the first day of January, eighteen hundred and eighty-one: *Provided*, That the same shall be subject to taxation as other property under the laws of the State of Indiana on and after that date.

To be subject to taxation after, etc.

Members of band, etc., when to become citizens.

SEC. 5. That the members of said band, and their descendants, shall become citizens of the United States on the first day of January, eighteen hundred and eighty-one.

Approved, June 1, 1872.

NOTE.—Report of commission, made July 12, 1873 [Cent. Sup'y, V. 14]. Approved July 18, 1873 [Cent. Sup'y, I. 469].

June 5, 1872.

17 Stat., 226.

CHAP. 308.—An act to provide for the removal of the Flathead and other Indians from the Bitter-Root Valley, in the Territory of Montana.[a]

Flathead and other Indians to be removed from Bitter-Root Valley to the Jocko reservation.

58 Fed. Rep., 223.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the President, as soon as practicable, to remove the Flathead Indians, (whether of full or mixed bloods,) and all other Indians connected with said tribe, and recognized as members thereof, from Bitter-Root Valley, in the Territory of Montana, to the general reservation in said Territory, (commonly known as the Jocko reservation,) which by a treaty concluded at Hell Gate, in the Bitter-Root Valley, July sixteenth, eighteen hundred and fifty-five, and ratified by the Senate March eighth, eighteen hundred and fifty-nine, between the United States and the confederated tribes of Flathead, Kootenai, and Pend d'Oreille Indians, was set apart and reserved for the use and occupation of said confederated tribes.

Vol. 2, p. 722.

Certain lands in Bitter-Root Valley, Montana Territory, to be surveyed and opened to settlement.

SEC. 2. That as soon as practicable after the passage of this act, the surveyor-general of Montana Territory shall cause to be surveyed, as other public lands of the United States are surveyed, the lands in the Bitter-Root Valley lying above the Lo-Lo Fork of the Bitter-Root River; and said lands shall be open to settlement, and shall be sold in legal subdivisions to actual settlers only, the same being citizens of the United States, or having duly declared their intention to become such citizens, said settlers being heads of families, or over twenty-one years of age, in quantities not exceeding one hundred and sixty acres to each settler, at the price of one dollar and twenty-five cents per acre, payment to be made in cash within twenty-one months from the date of settlement, or of the passage of this act. The sixteenth and thirty-sixth sections of said lands shall be reserved for school purposes in the manner provided by law. Town-sites in said valley may be reserved and entered as provided by law: *Provided*, That no more than fifteen townships of the lands so surveyed shall be deemed to be

May be sold to whom, etc.

Quantity and price.

School sections.

Town sites.

Provisos.
Limited to 15 townships.

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[a] Report Commissioner Garfield, November 15, 1872. (See Annual Report for 1872, p. 109.)

The above act is amended as to the payment of the annual installments and the purchase of land provided in section 2 by the act of June 22, 1874, 18 Stat., 173, and as to the lands allotted to individual Indians by the acts of March 2, 1889, post, p. 326, and July 1, 1898, post, p. 667, providing for the sale of such lands with the consent of the allottees and the removal of the Indians to the Joko Reservation.

By the act of March 3, 1891, post, p. 437, right of way was given the Missoula and Northern Railway through the Jocko Reservation.

A commission to negotiate with the Crow, Flathead, and other tribes was provided by the act of June 10, 1896, 29 Stat., 341, which was continued, by June 6, 1900, 31 Stat., 302, to June 30, 1901. (See Annual Report, 1900, p. 52.)

Lands above Lo-Lo Fork not open to homestead or pre-emption.

Account of sales to be kept, and proceeds, how applied.

subject to the provisions of this act: *And provided further*, That none of the lands in said valley above the Lo-Lo Fork shall be open to settlement under the homestead and pre-emption laws of the United States. An account shall be kept by the Secretary of the Interior of the proceeds of said lands, and out of the first moneys arising therefrom there shall be reserved and set apart for the use of said Indians the sum of fifty thousand dollars, to be by the President expended, in annual instalments, in such manner as in his judgment shall be for the best good of said Indians, but no more than five thousand dollars shall be expended in any one year.

Certain Indians may remain in the valley and preempt 160 acres.

Patent.

Notice of intent to be given before, etc.

Notice to Indians.

SEC. 3. That any of said Indians, being the head of a family, or twenty-one years of age, who shall, at the passage of this act, be actually residing upon and cultivating any portion of said lands, shall be permitted to remain in said valley and pre-empt without cost the land so occupied and cultivated, not exceeding in amount one hundred and sixty acres for each of such Indians, for which he shall receive a patent without power of alienation: *Provided*, That such Indian shall, prior to August first, eighteen hundred and seventy-two, notify the superintendent of Indian Affairs for Montana Territory that he abandons his tribal relations with said tribe, and intends to remain in said valley: *And provided further*, That said superintendent shall have given such Indian at least one month's notice prior to the date last above mentioned of the provisions of this act and of his right so to remain as provided in this section of this act.

John Owen may obtain title to certain lands, if, etc.

Disputes as to titles, how to be decided.

SEC. 4. That in case John Owen, an actual settler in said valley, above the Lo-Lo Fork, shall come within the provisions of the act of Congress of September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and the acts amendatory thereof, he shall be permitted to establish such fact in the land-office in the said Territory of Montana, and, upon proof of compliance with the provisions said act or acts, shall be permitted to obtain title, in the manner provided therein, to such quantity of land as he may be entitled to under the same. All disputes as to title to any lands mentioned in this act shall be decided according to the rules governing the decision of disputes in ordinary cases under the pre-emption laws of the United States.

Approved, June 5, 1872.

June 5, 1872.

17 Stat., 228.

CHAP. 309.—An act to carry into effect the fourth article of the treaty of February twenty-three, eighteen hundred and sixty-seven, with the Seneca, Shawnee, Quapaw, and other Indians.[a]

Preamble.
Quapaw.
Vol. 2, p. 961.

Whereas, by the fourth article of the treaty of February twenty-third, eighteen hundred and sixty-seven, with the Shawnee, Quapaw, and other Indians, the strip of lands belong to said Quapaws lying within the State of Kansas was sold to the United States, and intended, by the amendment to said article, to be sold to actual settlers, under the pre-emption laws of the United States; but whereas, by the manner of insertion of said amendment, the said lands are left without any provisions for their disposal: Therefore, for the purpose of carrying out the intention of the treaty and of its amendments,

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[a] The Quapaw are now collected upon the Quapaw Reservation, in the Quapaw Agency, Indian Territory.

By the act of May 3, 1892 (27 Stat., 24), criminal jurisdiction over the Quapaw Agency was given the courts of the third division of the Kansas judicial district.

The act of March 2, 1895, post, p. 566, confirms allotments made under an act of the Quapaw national council, and provides for further allotments.

Deeds of real estate within the Quapaw Agency are required to be recorded at Miami by the act of June 10, 1896, post, p. 597, which also extends over lands within that agency the real-estate law of Arkansas.

Chattel mortgages are required to be recorded at Miami by the act of March 1, 1899 (30 Stat., 992), replaced by a similar provision in May 31, 1900, post, p. 700.

Leases of land were provided for by the act of June 10, 1896 (29 Stat., 330), repealed and replaced by June 7, 1897, post, p. 619.

By the act of March 3, 1901, post, p. 742, an act of the Quapaw council, setting apart certain land for school and other purposes, was confirmed with qualifications.

Amendment of treaty declared to apply to what lands of the Quapaw Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said amendment shall not be construed as authorizing or providing for the disposal of the lands of the said Quapaw Indians, which, by the fourth article of the said treaty of February twenty-third, eighteen hundred and sixty-seven, were sold to the United States at one dollar and fifteen cents an acre, and lying and being within the boundary of the Indian Territory, but said amendment shall refer to, and be construed to authorize and direct, the disposal of the strip of land theretofore belonging to said Indians, lying and being within the State of Kansas, and which, by the aforesaid article of said treaty, *were* [was] sold to the United States for one dollar and twenty-five cents an acre.

Certain land in Kansas ceded to the United States by the Quapaw Indians open to entry and pre-emption.

One-half section to Samuel G. Vallier.

Tracts, part on the Quapaw strip and part on the government strip.

SEC. 2. That the said strip of land within the State of Kansas, so ceded to the United States by the said Quapaw band of Indians, be, and the same is hereby, declared open to entry and pre-emption, under the pre-emption laws of the United States, at the price of one dollar and twenty-five cents an acre, excepting therefrom one half-section, to be patented to Samuel G. Vallier, including his improvements, as provided in the fourth article of said treaty; and all such pre-emptions shall be paid for in the lawful money of the United States, at the proper land-office of the United States, within one year from the date of settlement, or where settlement was made before the passage of this act, then within one year from the passage of the same: *Provided,* That in case any settler has entered upon and improved a single tract, not exceeding one hundred and sixty-acres, a part of which is embraced in said Quapaw strip, and a part on the government strip, so-called, his entry of the part on the government strip, under the pre-emption laws, shall not prevent the entry of the remainder of his tract upon said Quapaw lands, in the State of Kansas, under this act.

Approved, June 5, 1872.

June 5, 1872.

17 Stat., 228.

CHAP. 310.—An act to confirm to the Great and Little Osage Indians a reservation in the Indian Territory.[a]

Preamble.

Vol. 2, p. 942.

1870, c. 296, s. 12, 16 Stat., 362.

Reservation of the Great and Little Osage Indians.

Whereas by the treaty of eighteen hundred and sixty-six between the United States and the Cherokee nation of Indians, said nation ceded to the United States all its lands west of the ninety-sixth meridian west longitude, for the settlement of friendly Indians thereon; and whereas by act of Congress approved July fifteenth, eighteen hundred and seventy, the President was authorized and directed to remove the Great and Little Osage Indians to a location in the Cherokee country west of the ninety-sixth meridian, to be designated for them by the United States authorities; and whereas it was provided by the same act of Congress that the lands of the Osages in Kansas should be sold by the United States, and so much of the proceeds thereof as were necessary should be appropriated for the payment to the Cherokees for the lands set apart for the said Osages west of the ninety-sixth meridian; and whereas under the provisions of the above-mentioned treaty and act of Congress and concurrent action of the authorities of the United States and the Cherokee nation, the said Osages were removed from their former homes in the State of Kansas to a reservation set apart for them in the Indian Territory, at the time of the removal supposed to be west of the said ninety-sixth meridian, and bounded on the east thereby, and upon which said Osages have made substantial and valuable improvements; and whereas by a recent survey and establishment of the ninety-sixth meridian it appears that the most valuable portion of said Osage reservation, and upon which all their improvements are situated, lies east of the said meridian; and whereas it therefore became necessary to select other lands in lieu of those found to be east of the established ninety-sixth meridian for said Osage Indians; and whereas a tract has accordingly been selected, lying between the western boundary of the reservations heretofore set apart for said Indians and the main channel of the Arkansas River, with the south line of the State of Kansas for a northern boundary, and the north line of the Creek country and the main channel of the Arkansas River for a southern and western boundary; and whereas the act of Congress approved July fifteenth, eighteen hundred and seventy, restricts the said reservation for said Osage Indians to "a tract of land in compact form equal in quantity to one hundred and sixty acres for each member of said tribe;" and whereas in a letter of the Cherokee delegation, addressed to the Secretary of the Interior on the eighth day of April, eighteen hundred and seventy-two, on behalf of the Cherokee Nation, containing their approval of and assent to the proposition to provide for the settlement of the Osage and Kaw Indians on that portion of the Cherokee country lying west of the ninety-sixth degree west longitude, south of Kansas, east and north of the Arkansas River: Therefore,

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[a] The reservation provided for above was paid for by the transfer on the books of the Treasury of funds to the credit of the Osage to the account of the Cherokee by act of March 3, 1873 (17 Stat., 538).

The sale of ceded lands in Kansas, generally known as the Osage trust and diminished reserve lands, is provided for by the following acts: August 11, 1876, post, p. 164; May 28, 1880, post, p. 179; June 16, 1880, post, p. 186; March 3, 1881, post, p. 193; March 3, 1891, post, p. 438, and June 6, 1900, post, p. 703.

The Osage Reservation in Indian Territory was excepted from the operation of the Dawes Act (the general allotment act of 1887), by the provision of that act.

Traders at the Osage Agency are regulated by the act of March 3, 1901, post, p. 741.

A tract of land west of the 96th meridian set apart as a reservation for the Great and Little Osage Indians.

Boundaries.

Location.

Kansas Indians may be settled on the tract of the Great and Little Osage tribes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide said Osage tribe of Indians with a reservation, and secure to them a sufficient quantity of land suitable for cultivation, the following-described tract of country, west of the established ninety-sixth meridian, in the Indian Territory, be, and the same is hereby, set apart for and confirmed as their reservation, namely: Bounded on the east by the ninety-sixth meridian, on the south and west by the north line of the Creek country and the main channel of the Arkansas River, and on the north by the south line of the State of Kansas: *Provided*, That the location as aforesaid shall be made under the provisions of article sixteen of the treaty of eighteen hundred and sixty-six, so far as the same may be applicable thereto: *And provided further*, That said Great and Little Osage tribe of Indians shall permit the settlement within the limits of said tract of land [of] the Kansas tribe of Indians, the lands so settled and occupied by said Kansas Indians, not exceeding one hundred and sixty acres for each member of said tribe, to be paid for by said Kansas tribe of Indians out of the proceeds of the sales of their lands in Kansas, at a price not exceeding that paid by the Great and Little Osage Indians to the Cherokee Nation of Indians.

Approved, June 5, 1872.

June 10, 1872.

17 Stat., 391.

CHAP. 436.—An act for the relief of certain tribes of Indians in the Northern Superintendency.

Western part of reservation of the Omaha in Nebraska to be separated and surveyed, if, etc.

See note to 1882, c. 434, post, p. 212.

To be appraised.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent and concurrence of the Omaha tribe of Indians,[a] expressed in open council in the usual manner, the Secretary of the Interior be, and hereby is, authorized to cause to be surveyed, if necessary, a portion of their reservation in the State of Nebraska, not exceeding fifty thousand acres, to be taken from the western part thereof, and to be separated from the remaining portion of said reservation by a line running along the section lines from north to south. The said lands so separated shall be appraised by three competent commissioners, one of whom shall be selected by said Omaha tribe of Indians in open council, and the other two shall be appointed by the Secretary of the Interior. After the survey and appraisement of said lands, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale for cash in hand; and sealed proposals, duly invited by public advertisements, shall be received for the same for tracts not exceeding one hundred and sixty acres each, and also for the entire body offered; and he shall be, and hereby is, authorized to accept the proposal for the entire tract, or the highest bids for separate tracts, whichever shall be deemed best for the interests of the Indians: *Provided*, That no bids for separate tracts shall be accepted which may be less than the appraised value of such tract, nor less than one dollar and twenty-five cents per acre; or for the entire tract which shall be less than the aggregate appraised value of the same, nor less than one dollar and twenty-five cents per acre. The proceeds of such sale shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at the rate of five per centum per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use in improving and fencing farms, building houses, purchasing implements of agriculture and live stock, and in establishing and supporting schools: *Provided, also*, That not more than twenty-five per centum of the principal of the aggregate amount of sales of said lands shall be expended in any one year: *Provided*, That no sale shall be approved unless the average sales of each of said parcels of said land shall be at least two dollars and fifty cents per acre.

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[a] Assent of Omaha given September 23, 1872 (see Indian Office files, Omaha, W., 334).

Proposals for purchase for cash, as a whole or in tracts, to be invited by advertisement.

Best bid to be accepted.

Certain bids to be rejected.

Proceeds of sale to be placed to credit of the Indians, at interest, except, etc.

Provisos.

SEC. 2. That with the consent[a] and concurrence of the Pawnee tribe of Indians, expressed in open council in the usual manner, the Secretary of the Interior be, and hereby is, authorized to cause to be surveyed, if necessary, a portion of their reservation in the State of Nebraska, not exceeding fifty thousand acres, to be taken from that part of said reservation lying south of Loup Fork. The said lands so surveyed shall be appraised by three competent commissioners, one of whom shall be selected by the said Pawnee tribe of Indians in open council, and the other two shall be appointed by the Secretary of the Interior. After the survey and appraisement of said lands, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale, for cash in hand, in the same manner and with the same restrictions as provided in the first section of this act relating to the Omaha lands; and the proceeds of such sale shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at the rate of five per centum per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use, as directed in the said first section of this act.

Portion of the reservation of the Pawnee in Nebraska to be separated and surveyed, and appraised.

See note to 1876, c. 51, post, p. 160.

Proposals for purchase to be invited.

Repealed by 1876, ch. 51, post, p. 160.

Proceeds of sales, how to be applied.

SEC. 3. That, with the consent[b] and concurrence of the Otoe and Missouria tribe of Indians, expressed in open council in the usual manner, the Secretary of the Interior be, and hereby is, authorized to cause to be surveyed, if necessary, a portion of their reservation lying in the States of Nebraska and Kansas, not exceeding eighty thousand acres, to be taken from the western part thereof, lying west of the Big Blue River, part of said tract lying in the State of Nebraska, and part lying in the State of Kansas. The said lands so surveyed shall be appraised by three competent commissioners, one of whom shall be selected by said Otoe and Missouria tribe of Indians in open council, and the other two shall be appointed by the Secretary of the Interior. After the survey and appraisement of said lands, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale, for cash in hand, in the same manner and with

Part of the reservation of the Oto and Missouri Indians to be separated, surveyed, and appraised.

See note to 1881, c. 128, post, p. 190.

Quantity to be sold, and where located.

To be apppraised.

Proposals for purchase for cash to be invited.

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[a] Pawnee assent July 15, 1872 (see Pawnee, W., 82).

[b] Oto dissent September 6, 1872 (see Otoe, W., 264).

Proceeds of sales, how to be applied.

the same restrictions as provided in the first section of this act relating to the Omaha lands; and the proceeds of such sale shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at the rate of five per centum per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use, as directed in the said first section of this act.

Part of the reservation of the Sauk and Fox of the Missouri tribe of Indians to be separated, surveyed, and appraised.

See note to 1865, c. 287, post, p. 228.

Proposals for purchase for cash to be invited.

Proceed of sales, how to be applied.

SEC. 4. That, with the consent and[a] concurrence of the Sac and Fox of the Missouri tribe of Indians, expressed in open council in the usual manner, the Secretary of the Interior be, and hereby is, authorized to cause to be surveyed, if necessary, a portion or the whole of their reservation in the State of Nebraska, containing about sixteen thousand acres. The said lands so surveyed shall be appraised by three competent commissioners, one of whom shall be selected by said Sac and Fox of the Missouri tribe of Indians in open council, and the other two shall be appointed by the Secretary of the Interior. After the survey and appraisement of said lands, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale, for cash in hand, in the same manner and with the same restrictions as provided in the first section of this act relating to the Omaha lands; and the proceeds of such sale shall be placed to the credit of the said Indians on the books of the Treasury of the United States, and bear interest at the rate of five per centum per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use, as directed in the said first section of this act, or for their removal to the Indian Territory or elsewhere, in case they desire to remove.

Removal to Indian Territory, or where they desire.

Patents for lands sold under this act to contain a clause prohibiting sale of intoxicating liquors thereon, etc.

Notice thereof in advertisement.

SEC. 5. That in all patents of lands sold under authority of this act, there shall be inserted a clause forever prohibiting the sale of intoxicating liquors on said lands, under pain of forfeiture of title thereto; and due notice of this provision shall be given in the advertisement offering said lands for sale.

Pay of appraisers of lands under this act.

3 Mar., 1873, c. 227, 17 Stat., 517.

SEC. 6. That the commissioners to be appointed by the Secretary of the Interior, under the provisions of this act, shall receive compensation for their services at the rate of eight dollars for each day actually engaged in the duties herein designated, in addition to the amount paid by them for actual traveling and other necessary expenses.

Approved, June 10, 1872.

ACTS OF FORTY-SECOND CONGRESS—SECOND SESSION, 1873.

Jan. 23, 1873.

17 Stat., 417.

CHAP. 52.—An act authorizing the removal of restrictions upon the alienation of certain Miami Indian lands in the State of Kansas.

Removal of restrictions upon the alienation of certain Miami Indian lands in Kansas authorized and assented to.

Vol. 2, p. 641.

See note to 1872, c. 282, ante, p. 138.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legislature of the State of Kansas is hereby authorized to remove the restrictions against the liability to leases, alienation, levy, sale, execution, taxation, and forfeiture of lands in said State, patented under and in pursuance of the second article of the treaty of June fifth, eighteen hundred and fifty-four, between the Miami Indians and the United States, in all cases in which the title has legally passed to citizens of the United States other than Indians. And Congress hereby assents to the removal of said restrictions as provided by the joint resolution of Kansas, approved March first, eighteen hundred and seventy-two, subject to the provisions of this act.

Approved, January 23, 1873.

NOTE.—Act of Kansas legislature removing restrictions approved February 1, 1865. (See Annual Report, 1865, p. 502.)

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[a] Sauk and Fox of Missouri assent July 8, 1872 (see Great Nemaha, W., 44).

Chap. 138.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes.

Feb. 14, 1873.

17 Stat., 437.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, out of any money in the Treasury not otherwise appropriated.

* * * * * * *

[17 Stat., 462.]

Delivery of bonds to the Choctaw suspended.

See note to 1898, c. 517, post, p. 656.

1861, c. 85; 12 Stat., 238; 1871, c. 120; 16 Stat., 570; 21 Ct. Cls., 59.

Sec. 3. That all authority now existing by the acts of March second, eighteen hundred and sixty-one, and March third, eighteen hundred and seventy-one, or otherwise, to issue or deliver any bonds of the United States to the Choctaw tribe of Indians, is hereby suspended until the further action of Congress in the matter, and providing for such issue or delivery.

Portion of the Cherokee funds to be set apart for orphans.

Mar. 3, 1873, post, p. 142.

For an asylum for, etc.

For a literary institution to educate indigent persons.

Sec. 4. That there shall be set apart from the funds belonging to the Cherokee nation, on the proper order of the national council, the sum of one hundred thousand dollars from the proceeds of lands sold to the Osages, to be set apart, and eighty thousand dollars thereof to be invested as part of the orphan-fund, and twenty thousand dollars to be expended for buildings and other improvements deemed necessary for the benefit of the institution for the orphans; the sum of one hundred thousand dollars from the proceeds of the strip of land in Kansas to be set apart for an asylum for the insane, deaf and dumb, blind, and indigent persons of the Cherokee nation, seventy-five thousand dollars of said amount to be invested as a separate fund, and its interest semiannually applied to the support of said institution, the remaining twenty-five thousand dollars to be expended for its establishment; the sum of seventy-five thousand dollars from the proceeds of the sale of lands to the Great and Little Osages, to be expended for the establishment of a literary institution for the education of indigent persons of said nation, under such rules and regulations as the national council of the Cherokees may prescribe.

Proceeds of sales of lands of the Kickapoo to be retained as a permanent trust fund.

See 1893, c. 209, note, post, p. 480.

Vol. 2, p. 836.

Proviso.

Sec. 5. That the proceeds of the sales of lands belonging to the Kickapoo Indians, in the State of Kansas, in pursuance of the fifth article of the treaty of May twenty-eighth, anno Domini eighteen hundred and sixty-three, now invested or in the custody of the Secretary of the Interior, shall be retained by the Secretary of the Interior as a permanent trust-fund, on which shall be paid to said Indians, semiannually, interest at the rate of five per centum per annum: *Provided*, That the consent of said Indians shall first be given to the foregoing provision.

* * * * * * *

Approved, February 14, 1873.

Chap. 167.—An act to provide for the sale of certain New York Indian lands in Kansas.[a]

Feb. 19, 1873.

17 Stat., 466.

Certain settlers upon and occupants of certain New York Indian lands in Kansas may purchase them.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those persons being heads of families or single persons over twenty-one years of age who have made settlement and improvement upon, and are bona-fide

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[a] The foregoing act is amended by the acts of June 23, 1874, 18 Stat., 273, extending the time for payment to two years, and April 17, 1878, post, p. 173, providing for the proof of the identity of Indian allottees.

The act of September 30, 1890, post, p. 368, makes provision for the sale of these lands, repealing all parts of the above acts inconsistent with its provisions.

By the act of January 28, 1893, post, p. 460, the claims of the New York Indians were referred to the Court of Claims. See 170 U. S., 1, and 173 U. S., 464.

Value, how ascertained.

Patents.

Entries to be made within two years.

Purchase money to be held in trust for the Indians, etc.
23 June, 1874, c. 472, 18 Stat., 273.
17 Apr., 1878, c. 59, 20 Stat., 36.

Certain Indians may have patents.

claimants of, and occupants of, either in person or by tenants, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the fourteenth day of September, eighteen hundred and sixty, for three hundred and twenty acres of land each were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land-office said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, on paying therefor in lawful money of the United States the appraised value of said tracts respectively, to be ascertained by three disinterested and competent appraisers, to be appointed by the Secretary of the Interior, who shall examine in person each tract and report under oath its value, exclusive of improvements; and patents shall issue to them therefor as in other cases, but no sale shall be made under this act for less than three dollars and seventy-five cents per acre; and the Secretary of the Interior shall prescribe such regulations as may be necessary to carry this act into effect according to the intent thereof, and such entries shall be made within two years from the time such regulations shall be promulgated, and the moneys that shall arise from such sales shall be paid into the Treasury of the United States, in trust for, and to be paid to, said Indians respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sales, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States: *Provided*, That any Indian to whom any of said certificates was issued, and who is now occupying the land allotted thereby, shall be entitled to receive a patent therefor.

Approved, February 19, 1873.

March 3, 1873.
17 Stat., 530.

CHAP. 228.—An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-three, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

Interior Department.

INTERIOR DEPARTMENT.

* * * * * * *

[17 Stat., [illegible].]
Indian Bureau.
Portion of proceeds of sale of Osage Indian lands to be transferred to pay for lands bought by the Osage from Cherokee, and placed to credit of Cherokee.
15 July, 1870, c. 296, s. 12, 16 Stat., 362.
5 June, 1872, c. 310, 17 Stat., 228.
Feb. 14, 1873, ante, p. 141.

Indian Bureau.—That the Secretary of the Treasury is hereby authorized and directed to transfer from the proceeds of sale of the Osage Indian lands in Kansas, made in accordance with the twelfth section of the act of Congress approved July fifteenth, eighteen hundred and seventy, the sum of one million six hundred and fifty thousand six hundred dollars, or so much thereof as may be necessary, to pay for lands purchased by the Osages from the Cherokees, and to place the same on the books of his Department to the credit of the Cherokee Indians, the same shall bear interest at the rate of five per cent., in accordance with the act of Congress approved June fifth, eighteen hundred and seventy-two, entitled "An act to confirm to the Great and Little Osage Indians a reservation in the Indian Territory," and the acts of Congress and treaties therein mentioned and referred to, whenever the amount to be so transferred shall be certified to the said Secretary of the Treasury by the Secretary of the Interior. *Provided*, That nothing herein contained shall be construed as in any manner changing the provisions of section four of the act, "making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes."

* * * * * * *

Purchase of land from Mississippi bands of Chippewa.

See note to 1889, ch. 24, post, p. 301.

For this amount, or so much thereof as may be required, for the purchase from the Mississippi bands of Chippewa Indians one township of land[a] in the White Earth reservation in Minnesota, for the use and benefit of the Pembina band of Chippewas, twenty-five thousand dollars.

* * * * * * *

Approved, March 3, 1873.

March 3, 1873.

17 Stat., 622.

CHAP. 319.—An act repealing an Act entitled "An act for the relief of certain Indians in the Central Superintendency," approved June tenth, eighteen hundred and seventy-two.

An act supplemental to an act entitled "An act for the relief of certain Indians in the Central Superintendency," approved June tenth, eighteen hundred and seventy-two, and to settle by commission all rights and equities respecting the property to which said act refers.[b]

Preamble.

Whereas, by an act entitled "An act for the relief of certain Indians in the Central Superintendency," approved June tenth, eighteen hundred and seventy-two, the Secretary of the Interior was authorized and directed to appoint three commissioners and to take an inventory of, appraise, and sell certain lands, bonds, notes, accounts, contracts, mortgages, and other property or assets held or acquired in any manner under a trust in respect to education, created and confirmed by treaties with the Ottawa Indians of Blanchard's Fork and Roche de Bœuf, proclaimed July twenty-eighth, eighteen hundred and sixty-two, and October fourteenth, eighteen hundred and sixty-eight, and to pay the proceeds of such sale to the several members of the said tribe, their heirs or assigns, per capita; and whereas counter-claims of rights and equities in said lands, bonds, notes, accounts, contracts, mortgages, and other property or assets having been set forth and affirmed by the trustees under said trust, and by the American Baptist Home Mission Society, the Secretary of the Interior has referred to Congress the question of further legislation; and whereas representatives of all the said parties have united in an agreement to make friendly application to Congress for legislation providing for the ascertainment of all such property, real and personal, and the severance and satisfaction by commission, of the equitable interests of the contending parties: Now, therefore, in order that the perfect justice may be done in the premises to all the said parties,

Commissioners appointed to determine the rights, etc., of parties under a trust in respect to education created by treaties with certain Ottawa Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Walter R. Irwins, Luther R. Smith, commissioner appointed by the Secretary of the Interior under the aforementioned act, together with Henry S. Neal, of Ohio, Joseph Henry, of Washington, D. C., and Emory Washburn, of Massachusetts, be, and they are hereby, constituted a commis[*sion*] to investigate and ascertain all the property, real or personal, rights and interest legal or equitable, held or acquired under such trust, and to determine and award upon the rights and equities of the said parties in the property aforesaid for which purpose they are invested with sufficient power and authority to hear and determine, and to make such rules and orders thereunto as may be necessary, and their award shall be final and conclusive of all the rights and claims of all parties.

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[a] Township 144, range 42 selected. See No. 3332 (1883).

[b] A part of the Ottawa, those of Blanchards Fork and Roche de Bœuf, formerly settled in Kansas, are now on a reservation in the Quapaw Agency, Ind. T. The remainder of the tribe are settled in Michigan and are not upon any reservation.

The above act repealed the prior act of June 10, 1872, ch. 430, 17 Stat., 388. (See Annual Report, 1872, p. 178.) Provision for the sale of a part of the reservation in Indian Territory to the Miami Town Company was made by the act of March 3, 1891, post, p. 407.

Lands in Michigan were patented to Ottawa under the acts of June 10, 1872, 17 Stat., 381, March 3, 1875, post, p. 156, and May 23, 1876, post, p. 161.

Their award to be final.

Commission to assemble when and where; and their proceedings, powers, and duties.

Quorum.

Stenographer.

Possession to be taken of trust property.

Distribution.

Patents.

Taxation by Kansas.

Ottawa University exempt until.

Award of commissioners to be filed in the office of the Secretary of the Interior.

Fees for counsel to Indians.

SEC. 2. That the said commission shall assemble on or before the first Wednesday in August, eighteen hundred and seventy-three, at such place as a majority of its members may select, and upon being duly sworn by any person authorized to administer oaths, they shall proceed to organize by the election of one of their number as president and of another as secretary, with authority to procure rooms and attendance. A majority shall constitute a quorum for all business, and they may adjourn to any place deemed by them more convenient. The Secretary of the Interior shall be authorized to detail a stenographer for the service of the commission. In order to the prompt and easy carrying into effect of their final award the commission shall proceed to demand and take possession of all the lands, bonds, notes, accounts, choses in action, contracts, mortgages, records and other property or assets, held or required under said trust, and in case of the refusal of any person or persons to give possession of and deliver such lands, bonds, notes, accounts, choses in action, contracts, mortgages, records and other property or assets, shall bring suit or suits in behalf of the parties in interest, in the name of the United States as plaintiff, for the same in the United States circuit court for the eighth judicial circu[i]t, which court shall have power to appoint a receiver; and it shall be the duty of the Attorney-General to prosecute the said suit or suits to final judgment. The commission shall, nevertheless, proceed to inquire, to investigate, determine and award as if in actual possession of the property; and the said commission shall determine and adjudge the various claims according to what they shall deem the rights and equities of the case. After meeting the necessary expenses of this adjudication as hereinafter provided, any land or other property, interest or equities which may be awarded to the Indians aforesaid shall be sold, paid, or delivered for their benefit as the commission may direct; and any equities which may be awarded to the said trustees and to the said Home Mission Society shall be paid or delivered as the commission may direct. Patents of lands may be issued by the Secretary of the Interior, and he shall be authorized and empowered to do any other act necessary, in his judgment, to carry into effect the awards of this commission, on notice to him by the said commissioners of their final award. Lands so patented shall be liable to taxation under the laws of Kansas after five years from the passing of this act, or sooner if sold by the parties to whom they may be patented under the said award: *Provided, however*, That the section on which the Ottawa University stands, or any part of it, which may remain as a site of an institution of learning, shall remain free from taxation until the legislature of Kansas shall otherwise order. The said commissioners shall be required to make award in writing which, within thirty days after the case is finally submitted, shall be filed in the office of the Secretary of Interior, and a copy thereof shall be delivered by the Secretary of the Interior to each of said parties when the same is so filed; and the concurrence of a majority of said commissioners in such award shall be necessary. Said commissioners shall also fix the amount of fees or compensation to be paid to the counsel of said Indians for services already rendered before the passing of this act, and which may be rendered hereafter in the premises, together with their expenses, which compensation and expenses shall be paid out of the funds, property and assets awarded to said Indians; and they shall also audit the costs of proceedings before this commission, which, with the compensation of the commissions to be fixed by the Secretary of the Interior, and their expenses, together with the compensation and expenses of the commission appointed under the act of June tenth, eighteen hundred and seventy-two, to be presented by the Secretary of the Interior shall be paid out of the property as a whole, and in proportion to the several interests as adjudged.

Expenses and pay of commissioners.

Costs of proceedings.

Sec. 3. That any vacancy occurring in this commission shall be filled by the President of the United States.

Vacancies in the commission.

Sec. 4. That any person or party interested in the awards to be made under this act shall have the right to institute suit or suits at law, or in chancery, before the circuit court of the United States within the State of Kansas, to carry into effect and enforce any decision made by the commissioners appointed under this act, and for this purpose, jurisdiction is hereby given to said court in all cases thus arising, and from the orders, decrees, and judgments of said court in such cases appeals may be taken as in other cases.

Awards, how may be carried into effect.

Sec. 5. That if, at any time before the rendering of a decision by the commission aforesaid, the parties to the questions in controvers[it]ly shall agree upon a settlement,[a] and the said settlement shall be approved by the Secretary of the Interior, then the Secretary of the Interior is hereby authorized and empowered to issue patents of lands, and to do any other act necessary, in his judgment, to carry such settlement into effect, as if it were an award of the said commission, and each and all of the said parties shall have the right to enforce the terms of the settlement by suit suits in law or in chancery as provided for in section four of this act.

If parties agree upon a settlement before the commissioners render their decision, Secretary of the Interior to carry it into effect, etc.

Rights of parties in such case.

Sec. 6. That upon carrying into effect of the award or settlement aforesaid, the jurisdiction of the United States over the questions and property hereinbefore named, and the trust relating thereto, created by the aforenamed treaties shall cease and determine.

Jurisdiction of the United States to cease upon, etc.

Sec. 7. That this act shall be in force from and after its passage.

When act takes effect.

Approved, March 3, 1873.

Chap. 332.—An act to abolish the tribal relations of the Miami Indians, and for other purposes.

Mar. 3, 1873.

17 Stat., 631.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the Miami tribe of Indians in Kansas shall signify to the President of the United States their desire to sell the lands[b] reserved for the future homes of the said Indians by the first article of the treaty of June fifth, eighteen hundred and fifty-four, and which remain unallotted, together with the school-section mentioned in said article, said lands shall be disposed of in the following manner, to wit: The said secretary shall appoint three disinterested and competent persons, who shall, after being duly sworn to perform such service faithfully and impartially, personally examine and appraise[c] said lands by legal subdivisions of one hundred and sixty acres or less, separately, and make return thereof to the Commissioner of Indian Affairs: *Provided*, That the Secretary of the Interior may, in his discretion, set aside any appraisements that may be made under the provisions of this act, and cause a new appraisement to be made: *And provided further*, That in making said appraisement, the land and improvements made by the United States and

See note to 1872, c. 282, ante, p. 128.

The unallotted, reserved lands, etc., of the Miami Indians in Kansas may be sold.

Mar. 3, 1877, c. 101; 19 Stat., 292.

Vol. 2, p. 641.

Lands to be appraised, and mode of appraisal.

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[a] Settlement made September 6, 1873, and approved by Secretary of the Interior October 29, 1873. (See Misc. Indian Doc., vol. 5, p. 111.)

[b] Miami Indians notified the President of their willingness to sell, etc., April 24, 1873. (See Cent. Supy., H. 128.)

[c] Appraisement made October, 1873. (Cent. Supy., W. 1360.)

Indians shall be included, and the improvements made by white settlers shall be excluded in determinating an estimate of the value thereof.

Certain bona fide settlers may within a year purchase not exceeding, etc., at appraised value.

SEC. 2. That each bona-fide settler occupying any portion of said lands at the date of the passage of this act, and having made valuable improvements thereon, or the heirs at law of such, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled, at any time within one year from the return of said appraisement, to purchase, for cash, the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, at the appraised value thereof, under such rules and regulations as the Secretary of the Interior may prescribe. And on failure to make payment within one year from date of said approval of appraisement the right of such settler to purchase as aforesaid shall cease, and it shall be the duty of the Secretary of the Interior to sell the same, either at public sale or on sealed bids, for cash, to the highest bidder, at not less than the appraised value, nor less than one dollar and twenty-five cents per acre, after due notice by public advertisement. And all lands referred to in this and the foregoing sections not so occupied and improved by settlers at the date of the approval of this act shall be appraised by said appraisers, including all improvements thereon of every character, and sold by direction of the Secretary of the Interior to the highest bidder, for cash, after due advertisement, either at public sale or on sealed bids, at not less than the appraised value, nor less than one dollar and twenty-five cents per acre as aforesaid, in quantities not exceeding one hundred and sixty acres aforesaid.

If payment is not made within a year.

Lands not occupied and improved by settlers to be appraised and sold to highest bidder.

Minimum price.

Adult members of the tribe, how may become citizens.

SEC. 3. That if any adult member of said tribe shall desire to become a citizen of the United States, shall prove by at least two competent witnesses, to the satisfaction of the circuit court of the United States for the State of Kansas, that he or she is sufficiently intelligent and prudent to manage his or her own affairs, and has, for the period of five years, been able to maintain himself or herself and family, and has adopted the habits of civilized life, and shall take an oath of allegiance to the United States, as provided by law for the naturalization of aliens, he or she shall be declared by said court to be a citizen of the United States, which shall be entered of record and a certificate thereof given to said party. On the presentation of said certificate to the Secretary of the Interior, with satisfactory proof of identity, he may, at the request of such person or persons, cause the lands severally held by them and their minor children to be conveyed to them by patent in fee-simple, without the power of alienation, and may, at his discretion, cause to be paid to them, from time to time, their proportion of all the moneys and effects of said tribe held for them by the United States, or which may be received as the net proceeds of the sale of lands under the provisions of this act; after which said Indians and their minor children shall cease to be members of any Indian tribe; but the lands so patented to them shall not be subject to levy, taxation, or sale during the natural lives of said Indians or of their minor children.

Lands may be conveyed to them in fee, and not to be taxable for, etc.

Indians then to cease to be members of the tribe.

Census of the Miami Indians to be taken.

SEC. 4. That the Secretary of the Interior shall, in ninety days from the passage of this act, cause to be taken a census of all the Miami Indians entitled to a share in the reserved lands and the moneys set apart by the treaty between the United States and the Miami Indians, dated June the fifth, eighteen hundred and fifty-four, for that part of the tribe known as Western Miamies, including in said census those persons of Miami blood or descent for whom provision was made by the third section of the act of June twelfth, eighteen hundred and fifty-eight, if in the opinion of the Secretary of the Interior the said Indians are entitled to be so included under treaty stipulations; but in such census none shall be included unless justly entitled according to

Vol. 2, p. 641.

Who to be included therein.

11 Stat., 332.

the provisions of said treaty; and with said census there shall also be made two lists, one containing the names of all the Indians so entitled who may elect to become citizens of the United States, and their minor children (heads of families choosing) the other the names of all who elect to remain under the care of the United States, and to unite with the Wea, Peoria, Kaskaskia, and Piankeshaw Indians in the Indian Territory, according to the provisions of a contract[a] dated January the fifteenth, eighteen hundred and seventy-two, between the Western Miami Indians, of Kansas, of one part, and said Wea, Peoria, Kaskaskia, and Piankeshaw Indians, of the other part, and their minor children; which census and lists shall be filed in the office of the Secretary of the Interior, and which census and lists, when properly taken and filed as aforesaid, shall be approved by the Secretary of the Interior, and thenceforward, those whose names are on the citizens' list shall be treated and regarded, in all respects, as citizens of the United States: *Provided*, That they become citizens and comply with the provisions of the third, and fourth sections of this act relating to naturalization, *And provided further*, That the Secretary of the Interior is hereby directed to ascertain what amount if any is due the Miami tribe of Indians referred to in the corrected lists under the treaty of eighteen hundred and fifty-four, on account of certain annuities which were distributed to and among those persons of Miami blood and descent who were included in the act of eighteen hundred and fifty-eight, and by virtue of the same were authorized and did receive their proportion respectively in said annuities, and to cause that amount to be deducted out of the consolidated fund as herein provided for and paid to said Miami Indians referred to in said corrected lists made by virtue of the said treaty of eighteen hundred and fifty-four.

Two lists to be made.

Census and lists to be filed.

Those on citizens list to be treated as citizens, etc.

Amount, if any, due to certain Miami Indians, to be ascertained and deducted.

Vol. 2, p. 641.

11 Stat., 332.

SEC. 5. And the proceeds of the sales of the said unallotted lands, including said school section, and all moneys, securities, annuities, and effects held by the United States for said Miami Indians of Kansas, after making the foregoing deductions for citizen Indians and their minor children, shall belong to and be the exclusive property of the last-named Indians, to be known as their consolidated fund.

Proceeds of sales of lands, etc., after, etc., to be the property of the Miami Indians.

SEC. 6. That the Secretary of the Interior is hereby authorized and directed to examine a contract made by and between the said Western Miami Indians of Kansas, and the confederated Wea, Peoria, Kaskaskia, and Piankeshaw Indians, made on the fifteenth day of January, anno Domini, eighteen hundred and seventy-two, and to approve the same with such modifications[b] as justice and equity may require; and, for the purpose of carrying into effect said arrangement may withdraw from said consolidated fund, and pay to the confederated Wea, Peoria, Kaskaskia, and Piankeshaw Indians, a sum sufficient to pay said Wea, Peoria, Kaskaskia, and Piankeshaw Indians, according to said contract of the fifteenth of January aforesaid, for an interest in the lands of the last-named confederated tribe, for all of said Miamis, electing as aforesaid, to unite with said confederated tribe; and after making such payment, there shall be set apart and capitalized with the funds of said Wea, Peoria, Kaskaskia, and Piankeshaw Indians, a sum sufficient to warrant and justify all said Miamis so entitled, and so electing, to unite with said Wea, Peoria, Kaskaskia, and Piankeshaw Indians in drawing thereafter like annuities with said Wea, Peoria, Kaskaskia, and Piankeshaw Indians, without prejudice to the rights and interests of said last-named Indians; and the remainder of such consolidated fund shall then be paid, (under like direction,) per capita, to all those so entitled, and so electing to unite[c] with

Secretary of the Interior to examine, etc., the contract between the Western Miami Indians and the Wea, etc., of Jan. 15, 1872.

May pay, etc.

Miami electing to unite with, etc.

Per capita payment.

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[a] For copy of contract or agreement, see Quapaw, C. 74 and H. 1486 (1874).

[b] Modified contract of September 23, 1874, approved November 19, 1874. (See Quapaw, I. 1403.)

[c] List of 140 consolidated Miami Indians. See Quapaw, H. 1486 (1874). List of unsold Miami Indian lands. (See Annual Report for 1877, p. 235.)

After union, the united tribe to be called United Peoria and Miami.

said Wea, Peoria, Kaskaskia, and Piankeshaw Indians, to aid them in moving to, and improving their new homes in the Territory; and after their union with said confederated Wea, Peori, Kaskaskia, and Piankeshaw Indians, the united tribe shall be called the United Peorias and Miamis, and thereafter shall all draw equal and like annuities, according to the provisions of said contract of the fifteenth of January, anno Domini, eighteen hundred and seventy-two, and such modifications as may be agreed to by said contracting parties, with the approval of said Secretary, as herein provided.

Rights of individual Miami not affected.

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SEC. 7. That the provisions of this act shall not in any way affect the rights or claims of those individual Miamis or persons of Miami blood or descent who are named in the corrected list referred to in the Senate amendment to the fourth article of the treaty of June fifth, eighteen hundred and fifty-four, or their descendants.

Approved, March 3, 1873.

Mar. 3, 1873.

17 Stat., 633.

CHAP. 333.—An act to restore a part of the Round Valley Indian Reservation, in California, to the public lands, and for other purposes.

Part of Round Valley Indian Reservation in California restored to public lands, etc.

Improvements.

Sales for cash.

Proceeds of sales, how to be applied.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the Indian reservation in Round Valley, California, which lies south of the township line running east and west between townships twenty-two and twenty-three north, of ranges twelve and thirteen west of the Mount Diablo meridian, be, and the same is hereby, restored to the public lands of the United States, and the Secretary of the Interior shall cause the same to be surveyed and offered for sale in legal subdivisions, at not less than one dollar and twenty-five cents per acre: *Provided,* That the improvements owned by persons on the lands hereby restored before the passage of this act shall be the sole property of such persons, who shall have priority of right to purchase not exceeding three hundred and twenty acres of land in adjacent quarter-sections, containing and adjoining said improvements; and all said lands shall be sold and disposed of for cash only, the same to be done through the local land-office—within the jurisdiction of which these lands are situated: *And provided further,* That the proceeds of the sale of the lands hereby restored, or so much thereof as may be necessary, shall be used to pay for the improvements and claims of settlers now residing within the limits of the new reservation created under this act, and for improvements of Indians on lands hereby restored to the public lands, after such improvements shall have been appraised and the appraisement approved, as hereinafter provided.

Southern, eastern, and western boundaries of the Round Valley Reservation.

Inquiry to locate the northern boundary.

June 29, 1874, 18 Stat., 174

Appraisement of improvements.

SEC. 2. That said township line between townships twenty-two and twenty-three north, extending from the Middle Fork of Eel River on the east to Eel River on the west, shall hereafter be the southern boundary of the Indian reservation in Round Valley; and the centre of the Middle Fork of Eel River shall be the eastern boundary, and the centre of Eel River shall be the western boundary of said reservation, with the privilege of fishing in said streams. And the Secretary of the Interior is hereby authorized and directed to appoint three commissioners, who shall proceed to make an examination of the country in that locality and report[a] their views in regard to where the northern line of this reservation should be located; they shall also make an appraisement of all improvements of white persons north of said southern boundary of the reservation, as established by this section of this act, within the limits proposed by them for a reservation, and of all Indians south of said line, and report the same to the

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[a] Report of Commission, November 1, 1873. (See Annual Report for 1873, p. 164.)

Secretary of the Interior, who shall cause the same to be paid to such settlers or Indians out of the money hereinbefore reserved for such purposes.

Certain lands to be withdrawn from entry or sale under the homestead and pre-emption laws.

SEC. 3. That immediately after the passage of this act the President shall cause to be withdrawn from sale or entry under the homestead and pre-emption laws all the land lying north of the southern boundary of the reservation, as herein defined, and bounded north by the Eel River and the North Fork of said river, east by the Middle Fork, and west by Eel River; and the report of said commission fixing the northern boundary of said reservation shall have been approved; and all settlers now residing upon the tract herein described lying north of the south boundary of said reservation shall be required to remove therefrom as soon as they shall be paid for or tendered the amount of the appraised value of their improvements.

Settlers to be required to remove, when, etc.

Appropriation.

SEC. 4. That there shall hereafter be appropriated out of any money in the Treasury of the United States not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of defraying the expenses of the commission provided for in this act.

Approved, March 3, 1873.

ACTS OF FORTY-THIRD CONGRESS—FIRST SESSION, 1874.

Feb. 11, 1874.

18 Stat., 15.

CHAP. 25.—An act to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter-Root Valley, in the Territory of Montana," approved June fifth, eighteen hundred and seventy-two.

Sale of lands in Bitter-Root Valley.
Time extended.
R. S., 2267.
1872, c. 308, ante, p. 135.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time of sale and payment of pre-empted lands in the Bitter-Root Valley, in the Territory of Montana, is hereby extended for the period of two years from the expiration of the time allotted in the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter-Root Valley, in the Territory of Montana," approved June fifth, eighteen hundred and seventy-two.

Homestead act extended to settlers.
R. S., 2290, 2317.

SEC. 2. That the benefit of the homestead act is hereby extended to all the settlers on said lands who may desire to take advantage of the same.

Approved, February 11, 1874.

NOTE.—The time allotted by the act of 1872 was within twenty-one months from the date of settlement or of passage of the act of June 5, 1872.

April 15, 1874.

18 Stat., 28.

CHAP. 96.—An act to establish a reservation for certain Indians in the Territory of Montana.[a]

Indian reservation established in Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following described tract of country, in the Territory of Montana, be, and the same is hereby, set apart for the use and occupation of the Gros Ventre,

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[a] Piegan, Bloods, River Crow, Gros Ventre, and Blackfeet.—By the act of May 1, 1888, ch. 213, post, p. 261, the reservation was divided into separate reservations for the various tribes, a portion relinquished to the United States, and allotments in severalty on the various reservations authorized.

By the agreement with the Gros Ventre, ratified by the act of March 3, 1891, ch. 543, post, p. 425, the relinquishment of a part of their reservation was made and the allotment of the remainder provided for.

With respect to the Blackfeet, the act of June 10, 1896, ch. 398, post, p. 604, amended by June 7, 1897, ch. 3, sec. 10, 30 Stat., 93, ratifies an agreement providing for the relinquishment of a part of their reservation above referred to. As to their reservation in Nebraska, see the act of Feb. 28, 1877, ch. 72, post, p. 168.

Boundaries.

Piegan, Blood, Blackfoot, River Crow, and such other Indians as the President may, from time to time, see fit to locate thereon, viz: Commencing at the northwest corner of the Territory of Dakota, being the intersection of the forty-ninth parallel of north latitude and the one hundred and fourth meridian of west longitude; thence south to the south bank of the Missouri River; thence up and along the south bank of said river, to a point opposite the mouth of the Maria's River; thence along the main channel of the Maria's River to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the main chain of the Rocky Mountains; thence along the summit of the Rocky Mountains to the northern boundary of Montana; thence along said northern boundary to the place of beginning.

Approved, April 15, 1874.

Apr. 15, 1874.

18 Stat. L., 29.

CHAP. 97.—An act authorizing the payment of annuities into the treasury of the Seminole tribe of Indians.

Payment of annuities to Seminole Indians.

See note to 1898, ch. 542, post, p. 662.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Indian Affairs, with the sanction of the Secretary of the Interior and the President of the United States, in distributing and paying annuities, interest, or other moneys now due or hereafter to become due to the Seminole tribe of Indians under the provisions of the eighth article of the treaty between the Creek and Seminole Indians and the United States, concluded August seventh, eighteen hundred and fifty-six, shall be authorized to expend the same for such objects as will best promote the comfort, civilization, and improvement of the Seminole Indians, or in his discretion, with the sanction of the Secretary and the President aforesaid, shall be authorized to pay such annuities or any part thereof into the treasury of the Seminole nation to be used as the council of the same shall provide, instead of paying the same per capita according to the terms of said treaty: *Provided*, That said agreement shall provide that the sum of five thousand dollars shall be annually appropriated out of said annuity to the school fund of said tribe: *And provided further*, That the consent of said tribe to such expenditures and payment shall be first obtained.

How moneys may be expended.

School fund.

Consent of tribe required.

Approved, April 15, 1874.

NOTE.—Indians withhold assent. (See letter to Hon. W. A. Richardson, February 26, 1879, L. B., 55, p. 482.)

Apr. 18, 1874.

18 Stat. L., 31.

CHAP. 111.—An Act to secure to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States the land in the White Earth Indian Reservation in Minnesota, on which is situated their church and other buildings.

Grant of land in White Earth Indian Reservation in Minnesota for missionary and school purposes.

See 1889, ch. 24, note, post, p. 301.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed, by and with the consent of the Mississippi bands of Chippewa Indians, to cause to be issued a patent to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States, for eighty acres of land,[a] to embrace the church, parsonage and hospital, and such other buildings as may have been, or may, prior to the issue of such patent be, erected by and under the direction of said society on the White Earth Indian Reservation in Minnesota, said land to be selected by the person acting under the authority of said society, and reported by the United States agent for the Chippewa Indians in Minnesota, through the Office of Indian Affairs, to the Secretary of the Interior: *Provided*, That the estate to be conveyed to said society shall cease and be determined when the land and the erections thereon shall no longer be occupied and used by said society for missionary and school purposes.

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[a] Lands occupied are SW. ¼ of SW. ¼ of section 14, and lot 7 of same section, township 142 N., range 41 W. See Chippewa, ch. 1639 (1877).

Estate to be determined, when.

Approved, April 18, 1874.

CHAP. 136.—An act to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same.[a]

Apr. 29, 1874.

18 Stat., 36.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made by Felix R. Brunot, commissioner on the part of the United States, with certain Ute Indians in Colorado, be, and the same is hereby, ratified and confirmed. Said agreement is in words and figures following, namely:

Agreement with Ute Indians ratified.

Articles of convention made and entered into at the Los Pinos agency for the Ute Indians, on the thirteenth day of September, eighteen hundred and seventy-three, by and between Felix R. Brunot, commissioner in behalf of the United States, and the chiefs, headmen, and men of the Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, witnesseth:

Title.

That whereas a treaty was made with the confederated bands of the Ute Nation on the second day of March, eighteen hundred and sixty-eight, and proclaimed by the President of the United States on the sixth day of November eighteen hundred and sixty-eight, the second article of which defines by certain lines the limits of a reservation to be owned and occupied by the Ute Indians; and whereas by act of Congress approved April twenty-three, eighteen hundred and seventy-two, the Secretary of the Interior was authorized and empowered to enter into negotiations with the Ute Indians in Colorado for the extinguishment of their right to a certain portion of said reservation, and a commission was appointed on the first day of July, eighteen hundred and seventy-two, to conduct said negotiation; and whereas said negotiation having failed, owing to the refusal of said Indians to relinquish their right to any portion of said reservation, a new commission was appointed by the Secretary of the Interior, by letter of June second, eighteen hundred and seventy-three, to conduct said negotiation:

Preamble.

Now, therefore, Felix R. Brunot, commissioner in behalf of the United States, and the chiefs and people of the Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah, the confederated bands of the Ute Nation, do enter into the following agreement:

ARTICLE I. The confederated band of the Ute Nation hereby relinquish to the United States all right, title, and claim and interest in and to the following described portion of the reservation heretofore conveyed to them by the United States, viz: Beginning at a point on the eastern boundary of said reservation fifteen miles due north of the southern boundary of the Territory of Colorado, and running thence west on a line parallel to the said southern boundary to a point on said line twenty miles due east of the western boundary of Colorado Territory; thence north by a line parallel with the western boundary to a

Relinquishment of lands.

Bounds.

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[a] Ute legislation.—The agreement contained in this act is supplemented by a subsequent agreement contained in the act of June 15, 1880, ch. 223, post, p. 180, amended by the act of March 1, 1883, post, p. 216, abolishing the Ute commission and making other modifications.

By the act of May 1, 1888, ch. 213, 25 Stat., 133, a commission was provided to enter into negotiations with the Ute for a cession of their reservation in Colorado. The agreement proposed by this commission was disapproved by the act of February 20, 1895, ch. 113, post, p. 555, which made other provisions relative to the disposal of the reservation. This act was amended by the act of June 10, 1896, ch. 398, post, p. 599.

A commission to allot lands on the Uintah Reservation in Utah was provided by the act of June 4, 1898, ch. 376, post, p. 642. For provisions relative to Ute allotments see the following legislation: Acts of May 27, 1902, ch. 888, post, p. 753; June 13, 1902, ch. 1080, post, p. 756, and Joint Res., June 19, 1902, No. 31, post, p. 799.

For provisions relative to rights of way through allotted lands of the Southern Ute in Colorado, see the act of May 27, 1902, ch. 888, post, p. 754.

point ten miles north of the point where said line intersects the thirty-eighth parallel of north latitude; thence east to the eastern boundary of the Ute Reservation; thence south along said boundary to the place of beginning: *Provided*, That if any part of the Uncompagre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute Reservation.

Proviso.

Uncompahgre Park reserved.

Hunting permitted.

ARTICLE II. The United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts and the Indians are at peace with the white people.

Annuity.
Reaffirmed June 15, 1880, c. 223, 21 Stat., 201.

ARTICLE III. The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum; which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians annually forever.

Agency to be established.

ARTICLE IV. The United States agrees, so soon as the President may deem it necessary or expedient, to erect proper buildings and establish an agency for the Weeminuche, Muache, and Capote bands of Ute Indians at some suitable point, to be hereafter selected, on the southern part of the Ute Reservation.

Provisions of treaty of 1868, not altered by this treaty, continued, Vol. 2, p. 990.

ARTICLE V. All the provisions of the treaty of eighteen hundred and sixty-eight not altered by this agreement shall continue in force; and the following words, from article two of said treaty, viz: "The United States now solemnly agrees that no persons, except those herein authorized to do so, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided," are hereby expressly re-affirmed, except so far as they applied to the country herein relinquished.

Salary to head chief.

ARTICLE VI. In consideration of the services of Ouray, head-chief of the Ute Nation, he shall receive a salary of one thousand dollars per annum for the term of ten years, or so long as he shall remain head-chief of the Utes and at peace with the people of the United States.

Agreement subject to ratification.

ARTICLE VII. This agreement is subject to ratification or rejection by the Congress of the United States and of the President.

[SEAL.] FELIX R. BRUNOT,
Commissioner.

Attest:
THOMAS K. CREE, *Secretary.*
JAMES PHILLIPS, M. D.,
JOHN LAWRENCE,
Interpreters.

[Here follows the signature of Ouray, principal chief, and others.]

Bonds to be issued and held by Secretary of Treasury in trust.

Interest, how paid.

SEC. 2. That the Secretary of the Treasury shall issue, set apart, and hold, as a perpetual fund, in trust for the Ute Indians, a sufficient amount of five-per-centum bonds of the United States, the interest on which shall be twenty-five thousand dollars per annum; which interest shall be paid annually, as the President of the United States may direct, for the benefit of said Indians.

Payment to Ouray.

SEC. 3. That the Secretary of the Treasury shall cause to be paid to Ouray one thousand dollars, as the first installment due him annually, so long as he shall be chief of said Ute Indians; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, one thousand dollars for that purpose.

Approved, April 29, 1874.

CHAP. 176.—An Act giving the assent of Congress for the improvement of the Wolf River across the Menomonee Indian reservation, in the State of Wisconsin.

May 15, 1874.

18 Stat., 46.

Assent of Congress to improvement of Wolf River so as to run logs across Menominee Indian reservation in Wisconsin.

See 1871, ch. 38, ante, p. 128.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress be, and hereby is, given to the Keshena Improvement Company, a corporation organized under the laws of the State of Wisconsin, to improve the Wolf River, so as to run logs down said river, across the Menomonee Indian reservation, in accordance with the laws of said State: *Provided,* That any damages which may be caused on account of such improvements shall be awarded as in all other cases under the laws of the State of Wisconsin, and the amount be paid into the Treasury of the United States for the benefit of said Indians; and said Indians and all other persons shall be permitted to use said river for the purpose of running logs, as contemplated by this act; and the charges for said privilege shall be regulated by the legislature of the State of Wisconsin: *Provided, further,* That all privileges under this act may be altered or revoked by Congress.

Proviso.

Damages, how awarded.

River may be used by Indians for logging.

Privileges may be altered or revoked.

Approved, May 15, 1874.

CHAP. 389.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

June 22, 1874.

18 Stat., 146.

Indian appropriation for year ending June 30, 1875.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated,

* * * * * * *

[18 Stat., p. 170.]

Purchase of lands from Omaha Indians for use of Winnebago.

1863, ch. 53, ante, p. 125; 1870, ch. 296, ante, p. 127; 1872, ch. 233, ante, p. 133.

See note to 1882, ch. 434, post, p. 212.

Vol. 2, p. 498.

For this amount, or so much thereof as may be necessary, to purchase from the Omaha Indians in Nebraska such quantity of land, not exceeding twenty sections, as may be required for the use of the Winnebago Indians in Wisconsin, and for improvements on their reservation, to be appropriated from the residue of the one million one hundred thousand dollars provided to be set apart for the Winnebagoes by the fourth article of the treaty with those Indians, November first, eighteen hundred and thirty-seven: *Provided,* That such amount as may be paid to the Omahas for the lands required shall be applied for their use, under the direction of the Secretary of the Interior, for general purposes of civilization, eighty-two thousand dollars: *Provided,* That said Winnebagoes shall consent to said purchase.[a]

How amount paid to Omahas shall be applied.

Consent of Winnebago.

* * * * * * *

Approved, June 22, 1874.

ACTS OF FORTY-THIRD CONGRESS—SECOND SESSION, 1874.

CHAP. 2.—An Act to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory.[b]

Dec. 15, 1874.

18 Stat., 291.

Agreement with Shoshoni Indians confirmed.

See 18 Stat., 166.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement entered into on the twenty-sixth day of September, in the year of our Lord eighteen hundred and seventy-two, between Felix R. Brunot, commissioner on the part of the United States, and the chief, head-men, and

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[a] Consent of Winnebago given July 11, 1874. See Winnebago W. 1001. Deed from Omaha for 12,347.55 acres, dated July 31, 1874, approved August 12, 1874. See Omaha W. 1225. Recorded in vol. 6, p. 215, Indian deeds.

[b] The following other acts confirm agreements with the Shoshoni tribe: July 3, 1882, chapter 268 (post, p. 199); September 1, 1888, chapter 936 (post, p. 292); June 7, 1897, chapter 3 (post, p. 624), and June 6, 1900, chapter 813 (post, p. 704).

Condition as to cattle.

men of the eastern band of Shoshone Indians, in the words and figures following, be, and the same is hereby, confirmed, satisfied [ratified], and approved by the Congress and President of the United States: *Provided:* That the cattle furnished under this agreement shall be good, young American cattle, suitable for breeding purposes.

Date of agreement; parties.

Articles of a convention made and concluded at the Shoshone and Bannock Indian agency in Wyoming Territory, this twenty-sixth day of September, in the year of our Lord eighteen hundred and seventy-two, by and between Felix R. Brunot, commissioner on the part of the United States, and the chief, head-men, and men of the eastern band of Shoshone Indians, constituting a majority of all the adult male Indians of said band on [or] tribe of Indians, and duly authorized to act in the premises, witnesseth:

Preamble.

Vol. 2, p. 1020.

That whereas by article eleven [two] of a treaty with the Shoshone (eastern band) and Bannock tribes of Indians, made the third day of July, eighteen hundred and sixty-eight, at Fort Bridger, Utah Territory, a reservation was set apart for the use and occupancy of said tribes of Indians in the following words: "The United States further agrees that the following district of country, to wit, 'commencing at the mouth of Owl Creek and running, due south, to the crest of the divide between the Sweetwater and the Papo-Agie Rivers; thence along the crest of said divide and the summit of Wind River Mountains to the longitude of North Fork of Wind River; thence due north, to mouth of said Nork [North] Fork, and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl Creek, and, along middle of channel of Owl Creek, to place of beginning,' shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Shoshone Indians herein named;"

And whereas, previous to and since the date of said treaty, mines have been discovered, and citizens of the United States have made improvements within the limits of said reservation, and it is deemed advisable for the settlement of all difficulty between the parties, arising in consequence of said occupancy, to change the southern limit of said reservation:

Cession to the United States of part of reservation.

Location.

I. The Shoshone band or tribe of Indians (eastern band) hereby cede to the United States of America that portion of their reservation in Wyoming Territory which is situated south of a line beginning at a point on the eastern boundary of the Shoshone and Bannock reservation, due east to the mouth of the Little Papo-Agie, at its junction with the Papo-Agie, and running from said point west to the mouth of the Little Papo-Agie; thence up the Papo-Agie to the North Fork, and up the North Fork to the mouth of the canyon; thence west to the western boundary of the reservation.

Consideration for cession of land.

Salary of chief of Shoshoni.

II. The United States agree to pay to the Shoshone (eastern band) or tribe the sum of twenty-five thousand dollars; said sum to be expended under the direction of the President for the benefit and use of said Indians in the following manner, viz: On or before the tenth day of August of each year, for the term of five years after the ratification of this agreement, five thousand dollars shall be expended in the purchase of stock-cattle, and said cattle delivered to the Shoshones on their reservation. Second. The salary of five hundred dollars per annum shall be paid by the United States for the term of five years to Wash-a-kie, chief of the Shoshones.

Southern line of reservation to be marked.

Intrusion of white persons.

III. Within the term of six months, and as soon as practicable after the ratification of this agreement, the United States shall cause the southern line of the Shoshone reservation, as herein designated, to be surveyed and marked at suitable points on the ground, and until said line has been so surveyed and marked, the United States binds itself not to permit the intrusion of any white persons upon any of the agricultural or other lands within the limit of the district proposed to be ceded.

Agreement subject to ratification.

IV. This convention or agreement is made subject to the approval of the President and the ratification or rejection of the Congress of the United States.

Approved, December 15, 1874.

NOTE.—See annual report for 1872, p. 127, for signers to agreement.

Feb. 19, 1875.

18 Stat., 330.

CHAP. 90.—An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.[a]

Leases of lands by Seneca Nation of New York Indians for railroad purposes ratified.
44 Fed. Rep., 178; 19 Hun., 570; 38 Hun., 626; 75 Hun., 396.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all leases of land within the Cattaraugus and Allegany reservations in the State of New York, heretofore made by or with the authority of the Seneca Nation of New York Indians, to railroad corporations, are hereby ratified and confirmed; and said Seneca Nation may, in accordance with their laws and form of government, lease lands within said reservations for railroad purposes.

Commissioners to be appointed to establish boundaries of certain villages in Allegany Reservation.
1876, c. 246, 19 Stat., 120.

Maps of survey.
To be filed.

Boundaries to include what.

SEC. 2. That the President of the United States shall appoint three commissioners, whose duty it shall be, as soon as may be, to survey, locate, and establish proper boundaries and limits of the villages of Vandalia, Carrolton, Great Valley, Salamanca, West Salamanca, and Red House, within said Allegany reservation, including therein, as far as practicable, all lands now occupied by white settlers and such other lands as, in their opinion, may be reasonably required for the purposes of such villages; and they shall cause a return of their doings in writing, together with maps of such surveys and locations duly certified by them, to be filed in the office of the county clerk of the county of Cattaraugus, in said State, there to be recorded and preserved. The boundaries of said villages so surveyed, located, and established shall be the limits of said villages for all the purposes of this act.

Leases in said villages by Indians to be valid for five years, etc.
26 N. Y. Supreme, 540.

Who to have possession at expiration of lease.

Renewal of leases.

Owners of buildings on, privilege of renewal.

SEC. 3. That all leases of land situate within the limits of said villages when established as hereinbefore provided, except those provided for in the second section of this act, in which Indians or said Seneca Nation, or persons claiming under them are lessors, shall be valid and binding upon the parties thereto, and upon said Seneca Nation for a period of five years from and after the passage of this act, except such as by their terms may expire at an earlier date; and at the end of said period, or at the expiration of such leases as terminate within that time, said nation through its councillors shall be entitled to the possession of the said lands, and shall have the power to lease the same: *Provided, however,* That at the expiration of said period, or the termination of said leases, as hereinbefore provided, said leases shall be renewable for periods not exceeding twelve years, and the persons who may be at such time the owner or owners of improvements erected upon such lands, shall be entitled to such renewed leases, and to continue in possession of such lands, on such conditions as may be agreed upon by him or them and

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[a] The subject of leases of lands by the Seneca Indians is regulated by this act, supplemented and extended by the acts of September 30, 1890, ch. 1132, post, p. 368, and February 28, 1901, ch. 622, post, p. 715. By the act of June 10, 1896, ch. 398, 29 Stat. L., 340, the Secretary of the Interior was authorized to ascertain and report as to all existing leases. Particular leases are provided for as follows: Lease of oil spring to W. B. Barker, February 20, 1893, ch. 148, post, p. 468, and June 7, 1897, ch. 3, post, p. 622; lease of sand deposits to J. W. Peglow, March 3, 1901, ch. 954, post, p. 744, and lease of manufacturing site to the Erie Preserving Company, February 27, 1901, ch. 616, post, p. 715.

The act of March 1, 1883, ch 59, post, p. 215, authorized grants of land for burial purposes, with certain reservations. The act of May 27, 1902, ch. 888, post p. 752, provided for interest on funds held by the United States, per capita payments, etc.

Referees.

Terms of further renewal.

such councillors; and in case they cannot agree upon the conditions of such leases, or the amount of annual rents to be paid, then the said councillors shall appoint one person, and the other party or parties shall choose one person, as referees to fix and determine the terms of said lease and the amount of annual rent to be paid; and if the two so appointed and chosen cannot agree, they shall choose a third person to act with them, the award of whom, or the major part of whom, shall be final and binding upon the parties; and the person or persons owning said improvements shall be entitled to a lease of said land and to occupy and improve the same according to the terms of said award, he or they paying rent and otherwise complying with the said lease or said award; and whenever any lease shall expire after its renewal as aforesaid, it may, at the option of the lessee, his heirs or assigns, be renewed in the manner hereinbefore provided.

Power of Seneca Nation to lease lands not owned by individuals.

SEC. 4. That said Seneca Nation is hereby authorized, by resolution of its councillors, duly elected according to the laws and system of government of said nation, or in such other manner as said nation in council may determine, to lease lands within said villages to which, by the laws or customs of said nation, no individual Indian or Indians, or other person claiming under him or them, has or is entitled to the rightful possession.

Survey of village lands now leased.

Recording of leases

Assignment, devise, descent of leases.

SEC. 5. That it shall be the further duty of the said commissioners to cause all lands within such villages now leased, as hereinbefore mentioned, to be surveyed and defined as near as may be, and to cause the same to be designated upon the maps of such villages hereinbefore mentioned and provided for. All leases of lands within said villages, whether now existing or hereafter to be made under the provisions of this act, shall be recorded in the office of the clerk of said county of Cattaraugus in the same manner and with like effect as similar instruments relating to lands lying in said county outside of said reservations are recorded by the laws of said State of New York. All leases herein mentioned or provided for shall pass by assignment in writing, will, descent, or otherwise in the manner provided by the laws of said State: *Provided, however*, That the rights of Indians in such leases shall descend as provided by the laws of said Seneca Nation.

Rents due Seneca Nation how recovered and applied.

SEC. 6. That all moneys arising from rents under the provisions of this act which shall belong to said Seneca Nation shall be paid to and recoverable by the treasurer of said Seneca Nation, and expended in the same manner and for the same purposes as are other revenues or moneys belonging to said Seneca Nation.

Jurisdiction of courts in New York.
R. S., 541, 563, 629.

SEC. 7. That the courts of the State of New York within and for the county of Cattaraugus, having jurisdiction in real actions, and the circuit and district courts of the United States in and for the northern district of said State, shall have jurisdiction of all actions for the recovery of rents and for the recovery of possession of any real property within the limits of said villages, whether actions of debt, ejectment, or other forms of action, according to the practice in said courts; and actions of forcible entry and detainer, or of unlawful detainer arising in said villages, may be maintained in any of the courts of said county which have jurisdiction of such actions.

Laws of New York as to laying out, etc. highways, to be in force in villages.

Taxation of Indians not authorized.

SEC. 8. That all laws of the State of New York now in force concerning the laying out, altering, discontinuing, and repairing highways and bridges shall be in force within said villages, and may, with the consent of said Seneca Nation in council, extend to, and be in force beyond, said villages in said reservations, or in either of them; and all municipal laws and regulations of said State may extend over and be in force within said villages: *Provided, nevertheless*, That nothing in this section shall be construed to authorize the taxation of any Indian, or the property of any Indian not a citizen of the United States.

Approved, February 19, 1875.

Mar. 3, 1875.

18 Stat., 420.

CHAP. 132.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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[18 Stat., 425.] Missionary Society of Methodist Episcopal Church to have patent for land belonging to Chippewa of Saginaw, etc. Vol. 2, p. 870.

That the Secretary of the Interior be, and he is hereby, authorized to issue to the Missionary Society of the Methodist Episcopal Church a patent for the southeast quarter of section nine, in township fourteen north, of range four west, situate in the State of Michigan, as per fourth article of treaty of October eighteenth, eighteen hundred and sixty-four.

* * * * * * *

[18 Stat., 443.] Removal of Los Pinos Agency.

Agency for certain bands in southern part of Ute Reservation.

Ante, p. 151.

For this amount, or so much thereof as may be necessary, for the removal of the Los Pinos agency, in Colorado, from its present location, and for the erection of proper buildings and establishment of an agency for the Weeminuche, Muache, and Capote bands of Ute Indians, at some suitable point, to be hereafter selected, on the southern part of the Ute reservation, as provided in the agreement made by Felix R. Brunot, commissioner on the part of the United States, with certain Ute Indians in Colorado, and ratified by act of Congress approved April twenty-ninth, eighteen hundred and seventy-four, ten thousand dollars, which shall be available at once.

* * * * * * *

[18 Stat., 445.] Paiute Reservation, known as Moapa River Reservation, reduced.

That the Pai-Ute reservation in Southeastern Nevada is hereby reduced to one thousand acres to be selected by the Secretary of the Interior in such manner as not to include the claim of any settler or miner.

NOTE.—Selection made by Secretary of the Interior, July 3, 1875. (See Nevada, V. 128, and I. 833.)

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[18 Stat., 446.] Indians on Alsea and Siletz Reservation to be removed.

New reservation; boundary.

Proviso.

And the Secretary of the Interior be, and hereby is, authorized to remove all bands of Indians now located upon the Alsea and Siletz Indian reservation, set apart for them by Executive order dated November ninth, eighteen hundred and fifty-five, and restored to the public domain by Executive order of December twenty-first, eighteen hundred and sixty-five, and to locate said Indians upon the following described tract of country, namely: Beginning at a point two miles south of the Siletz agency; thence west to the Pacific Ocean; thence north, along said ocean, to the mouth of Salmon River; thence due east to the western boundary of the eighth range of townships west of the Willamette meridian; thence south with said boundary to a point due east of the place of beginning; thence west to the place of beginning; which is hereby set apart as a permanent reservation for the Indians now occupying the same and to be hereafter located thereon; and all the balance of said Alsea and Siletz reservations is hereby thrown open to settlement under the land laws of the United States: *Provided*, That these Indians shall not be removed from their present reservation without their consent[a] previously had.

* * * * * * *

[18 Stat., 447.] Settlement, etc., of Modoc Indians.

Proviso.

For this amount, or so much thereof as may be necessary, to provide, under the direction of the Secretary of the Interior, settlements, clothing, food, agricultural implements, and seeds, for the Modoc Indians that have been removed to and are now residing within the Indian Territory, ten thousand dollars: *Provided*, That three thousand dollars of the amount hereby appropriated may be used to

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[a] Consent reported by Special Agent Simpson, October 28, 1875. [Oregon, S. 1749.]

Agreement with Eastern Shawnee confirmed.

pay the Eastern Shawnee Indians the balance due them for four thousand acres of land in the northeast corner of their reserve, ceded to the United States for the Modoc Indians, as per agreement made with said Shawnee Indians June twenty-third, eighteen hundred and seventy-four, which agreement is hereby confirmed.[a]

* * * * * * *

[18 Stat., 448.]

Accounts to be kept with treasurers of certain Indian nations.

* * and the United States assistant treasurer at Saint Louis, Missouri, be, and he hereby is, authorized to open and keep accounts with the duly constituted treasurer of the Cherokee, Creek and Choctaw and Chickasaw Nations of Indians, the same as with Government agents and disbursing officers.

* * * * * * *

Approved, March 3, 1875.

Mar. 3, 1875.

18 Stat., 516.

CHAP. 188.—An act to amend the act entitled "An act for the restoration to homestead-entry and to market of certain lands in Michigan," approved June tenth, eighteen hundred and seventy-two, and for other purposes.

See note to 1880, ch. 24, post p. 301.
See note to 1878, ch. 319, ante p. 143.
17 Stat., p. 381.
R. S., §§ 2313-2317.
Ottawa and Chippewa tribes, certain members to have patents.
1876, c. 105, 19 Stat., p. 55.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act approved June tenth, eighteen hundred and seventy-two, entitled "An act for the restoration to market of certain lands in Michigan," be, and hereby is, amended so as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawa and Chippewa Indians of Michigan, for the selections found to have been made by them, but which were not, prior to the passage of said act, regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of said lands not disposed of, and not valuable mainly for pine-timber, shall be subject to entry under the homestead-laws, for one year from the passage of this act; and the lands remaining thereafter undisposed of shall be offered for sale at a price not less than two dollars and fifty cents per acre.

Residue of lands, disposal of.

Indians settled on certain sections in Michigan to enter lands in lieu, etc.

SEC. 2. That all Indians who have settled upon and made improvements on section ten, in township forty-seven north, of range two east, and section twenty-four in township forty-seven north, of range three west, Michigan, shall be permitted to enter not exceeding eighty acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land-office at Marquette, Michigan; and when said entries shall have been completed in accordance herewith, the remaining lands embraced within the limits of said sections shall be restored to market.

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[a] This agreement is as follows:

"ARTICLES OF AGREEMENT MADE AND CONCLUDED AT QUAPAW AGENCY, IND. T., JUNE 23, 1874, BETWEEN THE UNITED STATES, BY H. W. JONES, UNITED STATES INDIAN AGENT, AND THE EASTERN SHAWNEE INDIANS.

"Whereas it is desirable that the Modoc Indians (now temporarily located in the Eastern Shawnee Reservation) should have a permanent home in order that they may be enabled to settle down and become self-supporting: Therefore, it is agreed

"First. The Eastern Shawnees cede to the United States a tract of land situated in the northeast corner of their present reservation in the Indian country. The land so ceded to be bounded as follows, to wit: Beginning at the northeast corner of their reservation, running south along the Missouri State line two and one-half miles; thence west two and one-half miles; thence north to the north line of said reserve; thence east along said north line to the place of beginning, containing 4,000 acres, more or less, for which the United States is to pay six thousand dollars, one-half upon the ratification of this agreement by the Secretary of the Interior, the balance in twelve months thereafter; said installments to be paid to the Eastern Shawnee Indians per capita for the purpose of enabling them to enlarge their farms and otherwise improve their condition in civilization.

"Second. The land proposed to be purchased in the first article of this agreement shall be set apart as a permanent home for the Modoc Indians.

"Third. And it is further agreed that in case the United States fails to carry out the provisions of this agreement, this contract shall be null and void."

Settlers on lands reserved by treaty with Ottawa and Chippewa Indians.
Vol. 2, p. 725.
R. S., 2313-2317.

SEC. 3. That all actual, permanent, bona-fide settlers on any of the lands reserved for Indian purposes under the treaty with the Ottawa and Chippewa Indians of Michigan of July thirty-first, eighteen hundred and fifty-five, shall be entitled to enter not exceeding one hundred and sixty acres of land, either under the homestead laws or to pay the minimum price of land, on making proof of his or her settlement and continued residence before the expiration of ninety days from the passage of this act: *Provided*, That such settlers do not claim any of the lands heretofore patented to Indians, or in conflict with the selections found to have been made by Indians referred to in the first section of this act, and shall have settled upon said lands prior to the first day of January, eighteen hundred and seventy-four.

Proviso.

Approved, March 3, 1875.

ACTS OF FORTY-FOURTH CONGRESS—FIRST SESSION, 1876.

CHAP. 51. An act to authorize the sale of the Pawnee Reservation.[a]

Apr. 10, 1876.
19 Stat., 28.

Sale of Pawnee Reservation authorized.
Vol. 2, p. 764.
Appraisement.
Improvements.
Advertisement.
Terms of purchase.
Subdivisions.
Selling price.
Place of sale.
Waste to forfeit purchase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent and concurrence of the Pawnee tribe of Indians, expressed in open council in the usual manner, the Secretary of the Interior be, and he is hereby, authorized to cause to be appraised and sold the entire reservation set apart for said Indians, in the State of Nebraska, by the provisions of the first article of a treaty with them, concluded September twenty-fourth, eighteen hundred and fifty-seven, in the following manner: The said Secretary shall appoint three disinterested and competent persons, who, after being duly sworn to perform said service faithfully and impartially, shall personally examine and appraise said lands at their actual cash value, by legal subdivisions of one hundred and sixty acres, separately from the value of any improvements on the same, and shall also examine and appraise the value of said improvements, and make return thereof to the Commissioner of Indian Affairs. After the appraisement of said lands as herein provided, the Secretary of the Interior shall be, and he is hereby, authorized to offer the same for sale on the following terms and conditions, to wit: After advertising the time of sale for three months in one newspaper published in each of the cities of New York, Washington, Chicago, Saint Louis, Cincinnati, Columbus, Nebraska, and Omaha, he shall offer the lands at public sale to the highest bidder for one third cash in hand, the balance in two equal annual payments, drawing interest at the rate of six per centum per annum from the day of sale. Said land shall be sold in separate tracts of one hundred and sixty acres, and none of it shall be sold for less than its appraised value, or for less than two dollars and fifty cents per acre. Said sale to take place at some point in Nebraska as near as may be to said land, to be fixed by the Secretary of the Interior. If any person shall commit waste or damage upon said lands before full payment therefor, his rights to the lands purchased by him shall cease, and the same, together with all of said lands not sold at

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[a] The consent of the Pawnee was given June 5, 1876 (see Pawnee N. 518). The sale of a part of the Pawnee Reservation in Nebraska and the deposit of the proceeds at 5 per cent interest was authorized by the act of June 10, 1872 (ante, p. 138). The act of April 22, 1890 (26 Stat., 60), provides for the resale of lands for which payment was not made as required.

The act of March 3, 1893 (post, p. 496), ratifies an agreement ceding certain lands in the Indian Territory, and provides for the sale of these lands. This is amended as to the reservation of school sections by May 4, 1894 (28 Stat., 71).

Selling price.

Patents, when issued.

Improvements, how sold.

Ante, p. 139.

said public sale, shall be sold under the direction of the Secretary of the Interior, at private sale, on the same terms and subject to the same conditions as those sold at said public sale: *Provided*, That said lands shall not be sold for less than their appraised value, or for less than two dollars and fifty cents per acre. And patents in fee-simple shall be issued to the purchasers of lands under the seals [sales] herein provided for upon the payment to the Secretary of the Interior in full of the purchase price of the same: *Provided*, That if any of said tracts of land shall contain valuable improvements thereon, made by or for the Indians, or for Government purposes, said improvements may be sold separately from the lands on which they are situated, or may be sold with the land, as the Secretary of the Interior may deem best: *And provided further*, That the second section of the act of Congress, approved June tenth, eighteen hundred and seventy-two, making provision for the sale of a portion of these lands, be, and the same is hereby, repealed.

Appropriation.

Subsistence and removal of Pawnee.

Accounts for past expenditures.

Application of residue of appropriation.

Reimbursement of appropriation.

Purchase of immediate supplies.

SEC. 2. That there be, and hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, the sum of three hundred thousand dollars, out of which not more than one hundred and fifty thousand dollars shall be used in defraying expenses already incurred for the subsistence of said Pawnee tribe of Indians, and for their removal to the Indian Territory, and other necessary expenses connected with their establishment and settlement therein: *Provided*, That the accounts for said expenses heretofore incurred shall not be paid until after they have been examined and approved by the Secretary of the Interior, who is directed to settle said expenses upon principles of equity and justice as between the claimants and the Indians. And the residue of said three hundred thousand dollars after the payment of expenses heretofore incurred shall be applied to defray the expenses of appraisement and sale of the lands referred to in the first section of this act, and to the settlement of said Indians, and to their further subsistence, until they can become self-sustaining, and also in the purchase of agricultural implements and live stock, and in establishing and supporting schools, and for other beneficial objects including expenditures made for the above mentioned purposes during the fiscal year ending June thirtieth, eighteen hundred and seventy-six; said sums to be available for the purposes hereinbefore specified immediately after the approval of this act: *Provided*, That the said three hundred thousand dollars herein appropriated shall be reimbursed to the United States out of the funds arising from the sale of the lands described in the first section of this act: *And provided also*, That so much of the residue of the three hundred thousand dollars aforesaid as may be needed for the immediate necessities of the aforesaid Pawnee Indians may be expended in the purchase of supplies therefor in open market.

Surplus of proceeds of sale, how invested and applied.

Interest.

SEC. 3. That any surplus that may remain from the proceeds of the sale of the lands described in said first section, after the reimbursement to the United States of said sum of three hundred thousand dollars, and after the purchase of a suitable reservation in the Indian Territory for the Pawnee tribe of Indians, shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at a rate not to exceed five per centum per annum, payable semiannually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use for subsistence or other beneficial objects.

New reservation for Pawnee.

SEC. 4. That the following described reservation in Indian Territory be, and the same is hereby, set apart for the use and occupation of the Pawnee tribe of Indians, namely: All that tract of country between the Cima[m]arron and Arkansas Rivers embraced within the limits of townships twenty one, twenty two, twenty three, and twenty-four north, of range four east, townships eighteen, nineteen, twenty, twenty-one, twenty-two, twenty three, and twenty-four north, of range five east, townships eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three north, of range six east of the Indian meridian: *Provided*, That the terms of the sixteenth article of the Cherokee treaty of July nineteenth, eighteen hundred and sixty-six, shall be complied with so far as the same may be applicable, thereto: *And provided further*, That the sum to be paid to the Cherokees by the Pawnees for such quantity of the land herein described as may be within the limits of the Cherokee country west of the ninety-sixth meridian of west longitude shall not exceed seventy cents per acre: *And provided also*, That the portion of the reservation herein described lying within the territory ceded to the United States by the third article of the Creek treaty of June fourteenth, eighteen hundred and sixty-six, shall be paid for by said Pawnees at the rate of thirty cents per acre.

Vol. 2, p. 947.

Payment to Cherokee.

Area of Cherokee lands in Pawnee Reservation 230,014 acres.

Deed from Cherokee, dated June 14, 1883.

See Indian Deeds, v. 6, p. 470.

Vol. 2, p. 932.

Area of Creek lands in Pawnee reserve, 53,006 acres.

Allotments to heads of families, etc.

SEC. 5. That the Secretary of the Interior shall cause to be made to each head of a family or single person over twenty-one years of age belonging to said Pawnee tribe, and residing upon said reserve, who shall so elect, an allotment within said reservation, of one hundred and sixty acres of land, as near as may be, to be governed by the lines of public survey; and upon the approval of the Secretary of the Interior of such allotments, certificates shall be issued therefor by the Commissioner of Indian Affairs: *Provided*, That whenever it shall be made to appear to the satisfaction of the Secretary of the Interior that any allottee has occupied and cultivated any portion of his or her allotment for the period of five successive years, and has at least twenty-five acres of the same fenced and in crop, such allottee shall be entitled to receive a patent for his or her allotment, with the condition that the same shall not be aliened or conveyed within fifteen years from the date thereof, and then only with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe.

Certificates.

Patents, when issued, and condition of.

Approved, April 10, 1876.

May 23, 1876.

19 Stat., 55.

CHAP. 105.—An act extending the time within which homestead entries upon certain lands in Michigan may be made.

See note to 1889, ch. 24, post p. 301.

See note to 1872, ch. 319, ante, p. 143.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an act entitled "An act to amend an act entitled 'An act for the restoration to market of certain lands in Michigan,' approved June tenth, eighteen hundred and and seventy-two," approved March third, eighteen hundred and seventy five, be, and hereby is, amended so as to read as follows:

That the act approved June tenth, eighteen hundred and seventy-two, entitled "An act for the restoration to market of certain lands in Michigan," be, and is hereby, amended so as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawas and Chippewas of Michigan for the selections found to have been made by them, but which were not, prior to the passage of said act, regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of said lands not disposed of, and not valuable mainly for pine timber, shall be subject to entry under the homestead laws.

Amended.

Patents for lands in Michigan to issue to certain Ottawa and Chippewa Indians.

Remainder subject to homestead entry.

Approved, May 23, 1876.

July 5, 1876.

19 Stat., 74.

Chap. 168.—An Act providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale. (*)

Preamble.

17 Stat., 85.

Vol. 2, p. 803.

18 Stat., 272; 1880, ch. 39; post, p. 177.

Whereas, the Secretary of the Interior, in pursuance of an act approved May eighth, eighteen hundred and seventy-two, has caused to be appraised the lands heretofore owned by the Kansas tribe of Indians, in the State of Kansas, which by the terms of the treaty made by the United States and said Indians, and proclaimed November seventeenth, eighteen hundred and sixty, were to be sold for the benefit of said Indians; which appraisement also includes all improvements on the same, and the value of said improvements; distinguishing between improvements made by members of said Indian tribe, the United States, and white settlers; and

Whereas the appraisement thus made was so high that neither settlers nor purchasers were able to pay the same, and the said land has remained unsold from the passage of the act; Therefore,

Bona-fide settlers on Kansas Indian lands may make payment for their lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each bona fide settler on any of the trust lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisement, and the rejected claimants as bona fide settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian Office, dated October twenty-fourth, eighteen hundred and seventy-two, be permitted to make payment of the appraised value of their lands to the local land-office at Topeka, Kansas, under such rules as the Commissioner of the General Land Office may adopt, in six equal annual instalments; the first instalment payable on the first of January, eighteen hundred and seventy-seven, and the remaining instalments payable annually from that time, and drawing interest at six per centum per annum until paid: *Provided*, That where there is timber on any of the lands to be sold under the provisions of this act, the Secretary of the Interior shall require the purchaser to enter into bond, with approved security, that he shall commit no waste on the timber, or otherwise on said land until the last payment is made.

When payable.

Interest.

Proviso, no waste on timber lands.

Bond.

Remainder of trust-lands subject to entry by actual settlers.

Sec. 2. That all the remainder of the trust-lands and of the undisposed portion of the diminished reserve shall be subject to entry at the local land office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres, only by actual settlers, under such rules and regulations as the Commissioner of the General Land Office may prescribe. And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each, in the following manner: One sixth at the time that the entry is made, and the remainder in five equal annual payments, drawing interest at six per centum per annum, and the Secretary of the Interior shall withhold title until the last payment is made; and the Secretary of the Interior, where there is timber on the lands, shall, in addition, compel the purchaser to enter into bond, with approved security, to commit no waste by the destruction of timber or otherwise, on the premises, until final payment has

How payment to be made.

Interest.

Bond to be taken where land is timbered against committing waste.

(*) Prior acts regulating the sale of these lands, apparently repealed and replaced by this act, are May 8, 1872 (17 Stat., 85), and June 23, 1874 (18 Stat., 272). By the act of June 5, 1872 (ante, p. 137), it was provided that the Kansas (or Kaw) Indians might purchase and settle upon a part of the Osage Reservation. The tribe is now located there. By the act of March 3, 1885 (23 Stat., 368), it was directed that the proceeds of the sales of their land under the act of July 5, 1876, should be applied to the payment of certificates of indebtedness incurred in the purchase of their new lands. This consumed those proceeds, and by the act of June 29, 1888 (post, p. 285), $65,000 additional was appropriated to liquidate their indebtedness, to be taken from the $200,000 trust fund provided by article 2 of the treaty of 1846.

The allotment of their land, and numerous other provisions relative to the Kaw, or Kansas, Indians, is to be found in the act of July 1, 1902 (post, p. 766).

Patents to issue.

Failure to make payment.

Forfeiture.

Land to be again subject to sale.

been made; and the Secretary of the Interior shall cause patents in fee-simple to be issued to all parties who shall complete purchases under the provisions of this act: *Provided*, That if any person or persons applying to purchase land under the provisions of this act shall fail to make payment or to perform any other conditions required by the provisions of this act, or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due, or performance be required by the terms hereof, or by the rules and regulations which may be prescribed in the execution hereof, such person or persons shall forfeit all rights under the provisions of this act, and all claim or right to reimbursement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale as though no action had been had in regard to the same.

Re-appraisement, when, etc.

Expense of, deducted.

SEC. 3. That the Secretary of the Interior shall inquire into the correctness of the appraisement of these lands; and if he be satisfied that they have been appraised at more than their present cash value, he may appoint a new commission of three persons to re-appraise the same; the per diem and expenses of which, at the rates heretofore paid to such commissioners, shall be deducted from the proceeds of said lands.

Testimony on part of settlers and purchasers how taken and forwarded.

SEC. 4. That in preparing or giving their testimony, all settlers or purchasers of land under the provisions of this act may have such testimony taken, after due and legal notice to the opposing party in interest, before any notary public or other person qualified to administer an oath, and may forward such testimony with their application to the land offices or parties authorized to dispose of said lands, which testimony shall be received as if taken before the officers of such land office.

Net proceeds, how owned and used.

Improving homes in Indian Territory.

Residue placed at interest.

Proceedings under this act, when Kansa Indians assent.

SEC. 5. That the net proceeds arising from such sales, after defraying the expenses of appraisement and sale, which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory, and in subsisting them until they become self-sustaining; and the residue, not so required, shall be placed to their credit on the books of the Treasury, and bear interest at the rate of five per centum per annum, and be held as a fund for their civilization, the interest of which, and the principal, when deemed necessary by the President of the United States, may be used for such purpose: *Provided*, That no proceedings shall be taken under this act until the said Kansas Indians shall file their assent thereto with the Secretary of the Interior.

Approved, July 5, 1876.

NOTE.—On the 31st of May, 1877, the Kansa Indians agreed in council to the stipulations of this act upon condition that the three appraisers to be appointed should be nominated respectively by the Commissioner of Indian Affairs, the Superintendent of the Central Superintendency and the agent for the Osage. (See Osage, C, 667, 1877.) This condition was acquiesced in by the Secretary of the Interior, September 5, 1877 (Osage I, 613), and the appraisers were accordingly appointed, and appraisal reported June 15, 1878. (See annual report for 1879, p. 182.)

July 12, 1876.

19 Stat., [illegible].

CHAP. 184.—An act to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation, and improve the Oconto River, its branches and tributaries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress

Improvement of Oconto River, Wisconsin, by Northwestern Improvement Company.

Damages.

Rights of Menominee Indians.

Charges to be regulated by the legislature.

be, and hereby is, given to the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to improve the Oconto River and its branches and tributaries, so as to run logs down said river its branches, and tributaries, across the Menomonee Indian reservation, in accordance with the laws of said State: *Provided*, That any damages which may be caused by such improvement shall be awarded as in all other cases under the laws of the State of Wisconsin, and the amount be paid into the Treasury of the United States for the benefit of said Indians; and said Indians and all other persons shall be permitted to use said river for the purpose of running logs, as contemplated in this act; and the charges for said privileges shall be regulated by the legislature of the State of Wisconsin: *Provided*, That all privileges under this act may be altered or revoked by Congress.

Approved, July 12, 1876.

Aug. 11, 1876.

19 Stat., 127.

CHAP. 259.—An act providing for the sale of the Osage ceded lands in Kansas to actual settlers.

Bona fide settlers on Osage lands in Kansas may purchase same.

See note to 1872, ch. 310, ante p. 157.

Vol. 2, p. 878.
R. S., §§ 2283, 2284.

Quantity and price.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any bona fide settler, residing at the time of completing his or her entry, as hereinafter provided, upon any portion of the lands sold to the United States, by virtue of the first article of the treaty concluded between the United States and the Great and Little Osage tribe of Indians September twenty-ninth, eighteen hundred and sixty-five, and proclaimed January twenty-first, eighteen hundred and sixty-seven, who is a citizen of the United States, or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same, in quantity not to exceed one hundred and sixty acres, at the price of one dollar and twenty-five cents per acre, within one year from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior, and on the terms hereinafter provided: *Provided*, That no bona fide settler as aforesaid on said land shall be denied the right to purchase land under the provisions of this act on the ground that he or she may heretofore have had the benefit of the homestead or preëmption laws of the United States.

Purchasers in good faith from certain railways declared entitled to purchase land.

Proofs required.

Quantity and price.

Proviso.

Proviso.

SEC. 2. That any person who is a citizen of the United States, or has declared his intention to become such, who in good faith had purchased any portion of said land from either the Leavenworth, Lawrence and Galveston Railroad Company, or the Missouri, Kansas and Texas Railroad Company, prior to the commencement of the two suits in the name of the United States against said companies, in the circuit court of the United States for the district of Kansas, to test the legality of title of said railroad companies to said lands, or portions thereof, to-wit; before the twenty-fifth day of February, anno Domini eighteen hundred and seventy-four, and shall prove to the satisfaction of the register and the receiver of the proper land office that he or she has, in good faith, before the date last aforesaid, paid said railroad companies, or either of them, the consideration-money, or a portion thereof, and also that he or she has in good faith made lasting and valuable improvements thereon, shall be, and hereby is declared to be entitled to purchase said lands, not exceeding one hundred and sixty acres, to include his or her improvements, on the same terms and conditions that actual settlers are authorized by this act to purchase said lands; that the rights of the said purchasers from said railroad companies shall attach at the date of the payment aforesaid made to said railroads or either of them: *Provided*, That the said improvements are made before the date last aforesaid: *And provided further*, That said claimant actually

Proviso.
Rights of heirs.

resides on the land at the time of completing his or her entry thereof at the proper land office: *Provided further*, That the heirs of any deceased purchaser from said railroads shall have the same right to purchase the said lands so purchased from the said railroads as the original purchaser would have had, had he lived.

Terms of purchase.
Price.
Terms of payment.
Interest.
After last payment patents to issue.
Entry to be completed in one year.
Forfeiture on failure to complete purchase.
Proviso.

SEC. 3. That the parties desiring to make entries under the provisions of this act who will, within twelve months after the passage of the same make payment at the rate of one dollar and twenty-five cents per acre, for the land claimed by said purchaser, under such rules and regulations as the Commissioner of the General Land Office may prescribe, as follows, that is to say; said purchaser shall pay for the land he or she is entitled to purchase one-fourth of the price of the land at the time the entry is made, and the remainder in three annual payments, drawing interest at the rate of five per centum per annum, which payment shall be secured by notes of said purchaser, payable to the United States; and the Secretary of the Interior shall withhold title until the last payment is made; and the Secretary of the Interior shall cause patents to issue to all parties who shall complete their purchases under the provisions of this act; and if any claimant fails to complete his or her entry at the proper land office within twelve months from the passage of this act, he or she shall forfeit all right to the land by him or her so claimed, except in cases where the land is in contest: *Provided further*, That nothing in this act shall be construed to prevent any purchaser of said land from making payment at any time of the whole or any portion of the purchase money.

Laws in relation to town sites made applicable to Osage lands.
R. S., 2380-2394.
Size of town sites.
Price per acre.

SEC. 4. That the laws of the United States in relation to the preëmption of town-sites shall apply to the tract of land first above described, except that the declaratory statement provided by existing laws in such cases shall be filed with the register of the proper land office within sixty days after the passage of this act, and the occupants of town-sites shall not be allowed to purchase more than three hundred and twenty acres actually occupied as a town-site, except in case where town-site companies have purchased all claim of title of the original settlers, and all titles claimed by any railroad company, in which case said town-site company, by its proper agent, shall have the same right to enter said lands that the original settlers would have had, not exceeding in amount eight hundred acres, and shall pay therefor the sum of one dollar and twenty-five cents per acre, in the same manner as actual occupants are required to pay.

Prior lawful entries reinstated.

SEC. 5. That all lawful entries heretofore made of any of said lands, and set aside or cancelled by the Secretary of the Interior, on the ground that the said railroads had a prior grant of said lands, be reinstated by the said Secretary of the Interior, subject to any valid adverse claim that may have accrued before or since such sale or cancellation.

Declaratory statements, where and when filed.
Proviso.

SEC. 6. That all declaratory statements made by persons desiring to purchase any portion of said land under the provisions of this act, shall be filed with the register of the proper land office within sixty days after the passage of the same: *Provided, however*, That those who may settle on said land after the passage of this act shall file their declaratory statement within twenty days after settlement, and complete their purchase under the provisions of this act within one year thereafter.

Right of Kansas to tax.

SEC. 7. That nothing in this act shall be so construed as to prevent said land from being taxed under the laws of the State of Kansas, as other lands are or may be taxed in said State, from and after the time the first payment is made on said land, according to the provisions of this act.

Railways to have right to purchase certain land.

SEC. 8. That the said railroads or either of them shall have the right to purchase such subdivisions of lands as are located outside of the right of way, heretofore granted to them, and which were occupied by them on said tenth day of April, eighteen hundred and seventy-six, for stock-yards, storage-houses, or any other purposes legitimately connected with the operation and business of said roads, whenever the same does not conflict with a settler who in good faith made a settlement prior to the occupation of said lands by said railroad company or companies, in the same manner and at the same price settlers are authorized to purchase under the provisions of this act.

Approved, August 11, 1876.

Aug. 15, 1876.

19 Stat., 176.

CHAP. 289.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SIOUX OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX, STATE OF NEBRASKA.[a]

* * * * * * *

[19 Stat., 192.]
Sioux appropriations.
121 U. S., 388.

Not to be paid while Indians are hostile.

No appropriations until rights are relinquished.

Vol. 2, p. 998.

Right of way over reservation to be ceded.

Appropriation for carrying provision into effect.

For this amount, for subsistence, including the Yankton Sioux and Poncas, and for purposes of their civilization, one million dollars: *Provided*, That none of said sums appropriated for said Sioux Indians shall be paid to any band thereof while said band is engaged in hostilities against the white people; and hereafter there shall be no appropriation made for the subsistence of said Indians, unless they shall first agree to relinquish[b] all right and claim to any country outside the boundaries of the permanent reservation established by the treaty of eighteen hundred and sixty-eight for said Indians; and also so much of their said permanent reservation as lies west of the one hundred and third meridian of longitude, and shall also grant right of way over said reservation to the country thus ceded for wagon or other roads, from convenient and accessible points on the Missouri River, in all not more than three in number; and unless they will receive all such supplies herein provided for, and provided for by said treaty of eighteen hundred and sixty-eight, at such points and places on their said reservation, and in the vicinity of the Missouri River, as the President may designate; and the further sum of twenty thousand dollars is hereby appropriated to be expended under the direction of the President of the United States for the purpose of carrying into effect the foregoing provision: *And provided also*, That no further appropriation for said Sioux Indians for subsistence shall hereafter be made until some stipulation, agreement, or arrangement shall have been entered into by said Indians with the President of the United States, which is calculated and designed to enable said Indians to become self-supporting: *Provided further*, That the Secretary of the Interior may use of the foregoing amounts the sum of twenty-five thousand dollars for the removal of the Poncas to the Indian Territory, and providing them a home therein,[a] with the consent of said band.

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[a] Sioux legislation: For Sisseton and Wahpeton bands, see note to act of 1891, chapter 543 (post, p. 428).

Agreements with Sioux: Acts ratifying agreements with the Sioux, or Dakota, Indians are those of February 28, 1877, chapter 72 (post, p. 168); March 3, 1891, chapter 543 (post, p. 428); and August 15, 1894, chapter 290 (post, p. 523).

Allotments: The allotment of Sioux lands is provided by the acts of April 30, 1888, 25 Stat., 94, repealed by the act of March 2, 1889, chapter 405 (post, p. 328). This latter act is amended by January 19, 1891, chapter 77 (post, p. 385); June 10, 1896, chapter 398 (post, p. 598); and July 1, 1898, chapter 545 (post, p. 666), the two last-mentioned acts also relating to the Lower Brulé and Santee.

Railroads: The construction and operation of railroads through Sioux reservations is authorized by the acts of March 2, 1889; chapter 421 (post, p. 343); March 2, 1889, chapter 378 (post, p. 325); February 12, 1895, chapter 81 (post, p. 558); and March 3, 1901, chapter 869 (post, p. 743).

Miscellaneous: Lands for the Mdewakanton band are provided for by the act of February 25, 1901, chapter 474 (post, p. 474). The disposition of funds of the Sioux on the Crow Creek Reservation in North Dakota is provided by the act of May 27, 1902, chapter 888 (post, p. 755).

[b] Relinquishment of rights under eleventh and sixteenth articles of treaty of 1868 by Sioux Indians, June 23, 1875. (See annual report, 1875, p. 179.)

No appropriation until arrangements are made for self-support.

Removal of Poncas.
1899, ch. 129, note, post, p. 676.

* * * * * * *

[19 Stat., p. 197.]
Balance of fund of Eastern band Cherokee.

That the balance of the fund of the Eastern band of Cherokee Indians, appropriated by the act of March third, eighteen hundred and seventy-five, shall, upon the first day of July, eighteen hundred and seventy-six, be placed to their credit upon the books of the Treasury Department, and shall bear interest at the rate of five per centum per annum; and the Secretary of the Interior is hereby authorized to use annually for agricultural implements and for educational purposes among said Indians so much of the principal of said fund as, with the interest annually accruing thereon, shall amount to six thousand dollars.

Interest.
See note to act of May 11, 1872, ante, p. 131.
Oct. 19, 1888, post, p. 290; Aug. 4, 1892, post, p. 457.

* * * * * * *

Approved, August 15, 1876.

Aug. 15, 1876.
19 Stat., 208.

CHAP. 308.—An act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouria and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, with the consent[b] of the Otoe and Missouri tribes of Indians expressed in open council, the Secretary of the Interior is authorized to cause to be surveyed the reservation of said Indians lying in the States of Kansas and Nebraska.

Oto and Missouri reservation in Kansas and Nebraska may be surveyed.
See note to 1881, ch. 128, post, p. 190.

SEC. 2. That the lands so surveyed shall be appraised by three commissioners, one of whom shall be designated by said Indians in open council, and the other two by the Secretary of the Interior.

To be appraised.

SEC. 3. [*Repealed, see 1879, chapter 190, post, page 176.*]

SEC. 4. That the proceeds of said sale shall be placed to the credit of said Indians in the Treasury of the United States, and bear interest at the rate of five per centum per annum, which income shall be expended for the benefit of said tribe under direction of the Secretary of the Interior.

Disposition of proceeds.

Interest.

SEC. 5. That the commissioners for the appraisement[c] of said lands shall be paid for their services at the rate of five dollars per day while actually employed, and their actual expenses; which sum, together with the cost of survey, and all other necessary incidental expenses of the execution of this act, shall be paid from the money realized by the sale of said lands.

Pay of appraisers.

SEC. 6. That certified copies of the plats and field-notes of said lands when surveyed shall be prepared under the direction of the Secretary of the Interior, and kept in the land office at Beatrice, Nebraska, to be used as other official plats and notes; and the register and the receiver shall be allowed such fees only for the sale of said lands as are now authorized by law in case of sales of public lands of the United States, to be paid out of the moneys arising from the sale thereof.

Plats and field notes of survey to be kept at Beatrice, Nebr.

Fees.

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[a] Location of Poncas in Indian Territory. (See annual report for 1882, p. 272.) Deed from Cherokee dated June 14, 1883. (See Indian Deeds, v. 6, p. 473.)

[b] The consent of the Oto and Missouri Indians was given December 23, 1876. (See Nebraska G. 6, 1877.)

[c] See "Otoe" and "Sac and Fox" appraisement in annual report for 1877, page 234.

Sauk and Fox Reservation in Kansas and Nebraska may be sold on same terms.

See note to 1885, ch. 237, post, p. 228.

SEC. 7. That whenever the Sac and Fox of the Missouri tribe of Indians shall, in open council in the usual manner, express their consent[a] thereto, the Secretary of the Interior shall be, and hereby is, authorized, in like manner and upon the same terms prescribed in the preceding sections of this act, to cause to be offered for sale a portion of their reservation lying in the States of Kansas and Nebraska, not exceeding in quantity ten sections of land to be taken from the western portion thereof; and the proceeds arising therefrom shall be used for the benefit of said tribe as the Secretary of the Interior may direct.

MILTON SAYLER,
Speaker of the House of Representatives pro tempore.
T. W. FERRY,
President of the Senate pro tempore.

IN THE SENATE OF THE UNITED STATES,
August 15, 1876.

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouria and Sac and Fox of the Missouri tribe of Indians in the States of Kansas and Nebraska," with his objections thereto, the Senate proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest: GEO. C. GORHAM,
Secretary.

IN THE HOUSE OF REPRESENTATIVES U. S.,
Aug. 15, 1876.

The House of Representatives having proceeded in pursuance of the Constitution, to reconsider the bill entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria tribes of Indians in the State of Kansas and Nebraska" returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives with the message of the President returning the bill—

Resolved, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest, GEO. M. ADAMS,
Clerk.

ACTS OF FORTY-FOURTH CONGRESS—SECOND SESSION, 1877.

Feb. 28, 1877.

19 Stat., 254.

CHAP. 72.—An act to ratify an agreement with certain bands of the Sioux Nation of Indians, and also with the Northern Arapaho and Cheyenne Indians.[b]

Agreement with Sioux Indians and Northern Arapaho and Cheyenne Indians confirmed, except, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made by George W. Manypenny, Henry B. Whipple, Jared W. Daniels, Albert G. Boone, Henry C. Bulis, Newton Edmunds, and Augustine S. Gaylord, commissioners on the part of the United States, with the

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[a] The consent of the Sauk and Fox Indians was given January 8, 1877. (See Nebraska K, 59.)

[b] By the act of July 1, 1898 (30 Stat., 596), the Secretary of the Interior is directed to have an inspector investigate the number of white settlers on the Northern Cheyenne Reservation, Mont., and the inspector is authorized to contract with such settlers for their removal. By the act of May 31, 1900 (31 Stat., 241), an appropriation is made to execute these contracts.

By the act of March 3, 1891, chapter 543 (post, p. 415), a subsequent agreement with the Cheyenne and Arapaho in the Indian Territory is ratified.

See note to 1876, ch. 289, ante, p. 166.
199 U. S., 586; 121 U. S., 88.
Sioux not to be removed.

different bands of the Sioux Nation of Indians, and also the Northern Arapaho and Cheyenne Indians, be, and the same is hereby, ratified and confirmed: *Provided*, That nothing in this act shall be construed to authorize the removal of the Sioux Indians to the Indian Territory and the President of the United States is hereby directed to prohibit the removal of any portion of the Sioux Indians to the Indian Territory until the same shall be authorized by an act of Congress hereafter enacted, except article four, except also the following portion of article six: "And if said Indians shall remove to said Indian Territory as hereinbefore provided, the Government shall erect for each of the principal chiefs a good and comfortable dwelling-house" said article not having been agreed to by the Sioux Nation; said agreement is in words and figures following, namely: "Articles of agreement made pursuant to the provisions of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes," approved August 15, 1876, by and between George W. Manypenny, Henry B. Whipple, Jared W. Daniels, Albert G. Boone, Henry C. Bulis, Newton Edmunds, and Augustine S. Gaylord, commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, and also the Northern Arapahoes and Cheyennes, by their chiefs and headmen, whose names are hereto subscribed, they being duly authorized to act in the premises.

Part of agreement not confirmed.

Articles of agreement.

Boundaries of reduced reservation.

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"ARTICLE 1. The said parties hereby agree that the northern and western boundaries of the reservation defined by article 2 of the treaty between the United States and different tribes of Sioux Indians, concluded April 29, 1868, and proclaimed February 24, 1869, shall be as follows: The western boundaries shall commence at the intersection of the one hundred and third meridian of longitude with the northern boundary of the State of Nebraska; thence north along said meridian to its intersection with the South Fork of the Cheyenne River; thence down said stream to its junction with the North Fork; thence up the North Fork of said Cheyenne River to the said one hundred and third meridian; thence north along said meridian to the South Branch of Cannon Ball River or Cedar Creek; and the northern boundary of their said reservation shall follow the said South Branch to its intersection with the main Cannon Ball River, and thence down the said main Cannon Ball River to the Missouri River; and the said Indians do hereby relinquish and cede to the United States all the territory lying outside the said reservation, as herein modified and described, including all privileges of hunting; and article 16 of said treaty is hereby abrogated.

Roads, etc., through reservation.

"ARTICLE 2. The said Indians also agree and consent that wagon and other roads, not exceeding three in number, may be constructed and maintained, from convenient and accessible points on the Missouri River, through said reservation, to the country lying immediately west thereof, upon such routes as shall be designated by the President of the United States; and they also consent and agree to the free navigation of the Missouri River.

Annuities, where received.

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"ARTICLE 3. The said Indians also agree that they will hereafter receive all annuities provided by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the said reservation, and in the vicinity of the Missouri River, as the President of the United States shall designate.

Delegation to select home in Indian Territory

Article 4 not confirmed. [See act above.]

"ARTICLE 4. [The Government of the United States and the said Indians, being mutually desirous that the latter shall be located in a country where they may eventually become self-supporting and acquire the arts of civilized life, it is therefore agreed that the said Indians

Removal within one year.

shall select a delegation of five or more chiefs and principal men from each band, who shall, without delay, visit the Indian Territory under the guidance and protection of suitable persons, to be appointed for that purpose by the Department of the Interior, with a view to selecting therein a permanent home for the said Indians. If such delegation shall make a selection which shall be satisfactory to themselves, the people whom they represent, and to the United States, then the said Indians agree that they will remove to the country so selected within one year from this date. And the said Indians do further agree in all things to submit themselves to such beneficent plans as the Government may provide for them in the selection of a country suitable for a permanent home, where they may live like white men.]

Assistance, schools, rations, purchase of surplus, employment.

Sioux rations.

How issued,

Government will purchase surplus production.

"ARTICLE 5. In consideration of the foregoing cession of territory and rights, and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868. Also to provide the said Indians with subsistence consisting of a ration for each individual of a pound and a half of beef, (or in lieu thereof, one half pound of bacon,) one-half pound of flour, and one-half pound of corn; and for every one hundred rations, four pounds of coffee, eight pounds of sugar, and three pounds of beans, or in lieu of said articles the equivalent thereof, in the discretion of the Commissioner of Indian Affairs. Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves. Rations shall, in all cases, be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians, no rations shall be issued for children between the ages of six and fourteen years (the sick and infirm excepted) unless such children shall regularly attend school. Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor, (the aged, sick, and infirm excepted;) and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life. The Government will aid said Indians as far as possible in finding a market for their surplus productions, and in finding employment, and will purchase such surplus, as far as may be required, for supplying food to those Indians, parties to this agreement, who are unable to sustain themselves; and will also employ Indians, so far as practicable, in the performance of Government work upon their reservation.

Erection of houses on allotments.

So much of articles as is embraced in the brackets is not confirmed. [See act above.]

"ARTICLE 6. Whenever the head of a family shall, in good faith, select an allotment of said land upon such reservation and engage in the cultivation thereof, the Government shall, with his aid, erect a comfortable house on such allotment; [and if said Indians shall remove to said Indian Territory as hereinbefore provided, the Government shall erect for each of the principal chiefs a good and comfortable dwelling-house.]

Artisans and other employees to be married, etc.

Unfit persons to receive no benefits.

"ARTICLE 7. To improve the morals and industrious habits of said Indians, it is agreed that the agent, trader, farmer, carpenter, blacksmith, and other artisans employed or permitted to reside within the reservation belonging to the Indians, parties to this agreement, shall be lawfully married and living with their respective families on the reservation; and no person other than an Indian of full blood, whose fitness, morally or otherwise, is not, in the opinion of the Commissioner of Indian Affairs, conducive to the welfare of said Indians, shall receive any benefit from this agreement or former treaties, and may be expelled from the reservation.

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In force.

"ARTICLE 8. The provisions of the said treaty of 1868, except as herein modified, shall continue in full force, and, with the provisions of this agreement, shall apply to any country which may hereafter be occupied by the said Indians as a home; and Congress shall, by appropriate legislation, secure to them an orderly government; they shall be subject to the laws of the United States, and each individual shall be protected in his rights of property, person, and life.

Indians subject to laws of United States.

Indians pledged to this agreement.

"ARTICLE 9. The Indians, parties to this agreement, do hereby solemnly pledge themselves, individually and collectively, to observe each and all of the stipulations herein contained, to select allotments of land as soon as possible after their removal to their permanent home, and to use their best efforts to learn to cultivate the same. And they do solemnly pledge themselves that they will at all times maintain peace with the citizens and Government of the United States; that they will observe the laws thereof and loyally endeavor to fulfill all the obligations assumed by them under the treaty of 1868 and the present agreement, and to this end will, whenever requested by the President of the United States, select so many suitable men from each band to co-operate with him in maintaining order and peace on the reservation as the President may deem necessary, who shall receive such compensation for their services as Congress may provide.

Police force.

Annual census to be taken in December.

"ARTICLE 10. In order that the Government may faithfully fulfill the stipulations contained in this agreement, it is mutually agreed that a census of all Indians affected hereby shall be taken in the month of December of each year, and the names of each head of family and adult person registered; said census to be taken in such manner as the Commissioner of Indian Affairs may provide.

Term "reservation."

"ARTICLE 11. It is understood that the term reservation herein contained shall be held to apply to any country which shall be selected under the authority of the United States as the future home of said Indians.

Agreement subject to approval.

"This agreement shall not be binding upon either party until it shall have received the approval of the President and Congress of the United States.

Signatures.

"Dated and signed at Red Cloud agency, Nebraska, September 26, 1876.

"GEORGE W. MANYPENNY. [SEAL.]
"HENRY B. WHIPPLE. [SEAL.]
"J. W. DANIELS. [SEAL.]
"ALBERT G. BOONE. [SEAL.]
"H. C. BULIS. [SEAL.]
"NEWTON EDMUNDS. [SEAL.]
"A. S. GAYLORD. [SEAL.]

"Attest:
"CHARLES M. HENDLEY,
"*Secretary.*

[Here follows the signature of Marpuja-luta, and others of the Oglala Sioux, Arapaho, and Cheyenne.]

"Dated and signed at Spotted Tail agency, Nebraska, September 23, 1876.

[Here follows the signature of Sinta-gleska, and others of the Brule Sioux.]

Consent of Sioux at Cheyenne River.

"The foregoing articles of agreement having been fully explained to us in open council, we, the chiefs and headmen of the various bands of Sioux Indians, receiving rations and annuities at the Cheyenne River agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article 4 of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

"Witness our hands and seals at Cheyenne River agency, Territory of Dakota, this 16th day of October, A. D. 1876.

[Here follows the signature of Kangi-wiyaka, and others.]

Consent of Sioux at Standing Rock

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and headmen of the various bands of Sioux Indians receiving rations and annuities at the Standing Rock agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article four of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

"Witness our hands and seals at Standing Rock agency, Territory of Dakota, this 11th day of October, A. D. 1876.

[Here follows the signature of Mato-nonpa, and others.]

Consent of Sioux at Crow Creek.

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and headmen of the Sioux Indians, receiving rations and annuities at Crow Creek agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article 4 of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

"Witness our hands and seals at Crow Creek agency, Territory of Dakota, this 21st day of October, A. D. 1876.

[Here follows the signature of Wanigi-ska, and others.]

Consent of Sioux at Lower Brule.

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and headmen of the Sioux Indians, receiving rations and annuities at Lower Brule agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article 4 of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

Witness our hands and seals at Lower Brule agency, Territory of Dakota, this 24th day of October, A. D. 1876.

[Here follows signature of Maza-oyate, and others.]

Consent of Sioux at Santee Reservation.

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and headmen of the Sioux Indians, receiving rations and annuities at the Santee reservation, in Knox County, in the State of Nebraska, do hereby consent and agree to all the stipulations therein contained, saving, reserving, and excepting all our rights, both collective and individual, in and to the said Santee reservation, in said Knox County and State of Nebraska, upon which we, the undersigned, and our people are now residing.

"Witness our hands and seals at Santee agency, county of Knox, State of Nebraska, this 27th day of October, A. D. 1876.

[Here follows signature of Joseph Wabashaw, and others.]

Approved, February 28, 1877.

NOTE.—See report of Sioux Commission, in Annual Report for 1876, page 330. See Senate Executive Document No. 9, Forty-fourth Congress, second session. See also relinquishment of hunting privileges by Sioux, Annual Report, 1875, page 179.

Feb. 28, 1877.

19 Stat., 265.

CHAP. 75.—An act to provide for the sale of certain lands in Kansas.

Cherokee strip.

May 2, 1890, 26 Stat., 92, 95; Mar. 3, 1891, 26 Stat., 1021. See also note to act May 11, 1872, ante, p. 131.

Whereas, certain lands in the State of Kansas, known as the Cherokee strip, being a strip of land on the southern boundary of Kansas, some two or three miles wide, detached from the lands patented to the Cherokee Nation by the act known as the Kansas-Nebraska bill, in defining the boundaries thereof, said lands still being, so far as unsold, the property of the Cherokee Nation; and

May 11, 1872, ante, p. 131.

Whereas an act was passed by the Forty-second Congress, which became a law on its acceptance[a] by the Cherokee national authorities, and which fixed the price of the lands east of Arkansas River at two dollars per acre, and west of said river at one dollar and fifty cents per acre; and

Whereas portions of the same have been sold under said law, and portions remain unsold, the price being too high: Therefore,

Cherokee strip, in Kansas, residue to be sold.

Terms.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary shall offer for sale to settlers all of said tract remaining unsold at the passage of this act at the local land offices in the districts in which it is situated, at one dollar and twenty-five cents per acre; and all of said lands remaining unsold after one year from the date at which they are so offered for sale at the local land offices shall be sold by the Secretary of the Interior for cash, in quantities or tracts not exceeding one hundred and sixty acres, at not less than one dollar per acre.

Proceeds; how disposed of.

SEC. 2. That the proceeds of said lands shall be paid into the Treasury of the United States, and placed to the credit of the Cherokee Nation, and shall be paid to the treasurer of the Cherokee Nation, on the order of the legislative council of the Cherokee Nation.

When this act to be in force.

SEC. 3. That this act shall take effect and be in force from the date of its acceptance by the legislature of the Cherokee Nation, who shall file certificate of such acceptance[b].

Approved, February 28, 1877.

ACTS OF FORTY-FIFTH CONGRESS—SECOND SESSION, 1878.

April 17, 1878.

20 Stat., 36.

CHAP. 59.—An act to amend an act entitled "An act to provide for the sale of certain New York Indian lands in Kansas," approved February nineteenth, eighteen hundred and seventy-three.

Indian settlers on New York Indian lands in Kansas; time extended to prove identity.

1873, ch. 167, ante, p. 141.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the period within which the thirty-two Indians referred to in the act to which this is an amendment, or their heirs, are required to prove their identity in order to entitle them to the benefits of said act, be, and the same is hereby, extended for two years from the nineteenth day of February, eighteen hundred and seventy-eight.

Approved, April 17, 1878.

April 26, 1878.

20 Stat., 513.

CHAP. 63.—An act to authorize the issue of a patent of certain lands in the Brothertown reservation in the State of Wisconsin, to the persons selected by the Brothertown Indians.

Brothertown Indians.

Full title of certain lands to.

See proviso to treaty of 1831.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby, authorized to give full title to the Brothertown Indians of all the township of land, containing twenty-three thousand and forty acres of land lying on the east side of Winnebago Lake, in the State of Wisconsin, which, by the provision of a treaty made with the Menomonee Indians, on the seventeenth day of February, eighteen hundred and thirty-one, and ratified on the ninth day of July eighteen hundred and thirty-two, was reserved for the use of the Brothertown Indians, and

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[a] Acceptance by delegates, May 12, 1872. (See Cherokee, I. 79.)

[b] The Cherokee Council passed an act December 1, 1877, accepting the conditions and provisions of this act. (See Union, R. 530.)

Vol. 2, p. 377.

which, by a subsequent treaty with the Menomonees, bearing date October twenty-seventh, eighteen hundred and thirty-two, and ratified the thirteenth day of March, eighteen hundred and thirty-three, was further secured to the Brothertown Indians, the right to have the same partitioned, divided and held by them separately and severally in fee simple.

Patents to be issued to trustees.

SEC. 2. That for such purpose, the Commissioner of the General Land Office is hereby fully directed, empowered, and authorized to make and issue a patent of all the lands contained in said township which are now unpatented to Laton Dick, senior, Lucius S. Fowler, David Fowler, and Orrin G. Johnson, residents of Brothertown, Calumet County, and State of Wisconsin, and members of the Brothertown tribe, in trust for the Brothertown Indians: *Provided, however*, That said lands, or any part thereof, shall be sold by said trustees whenever a majority of said Brothertown tribe shall petition for the same:[a] such sale to be made at public auction and to the highest and best bidder in cash therefor, after first giving sixty days' notice of such sale by advertisement in some newspaper published in Calumet County, State of Wisconsin; such advertisement to state the time and place of sale, the terms of sale, and a description of the land to be sold. And the said trustees shall distribute and pay over the proceeds arising from such sale or sales to the Brothertown Indians, according to the former usages, customs, and regulations of said tribe.

Lands may be sold.

At public auction.

Advertisement.

Distribution of proceeds.

Approved, April 20, 1878.

May 3, 1878.

20 Stat., 48.

CHAP. 87.—An act authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado.

Ute Indians of Colorado may be consolidated on White River.

Mar. 3, 1879, ch. 182, post, p. 176.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and empowered to enter into negotiations with the Ute Indians, in the State of Colorado, for the consolidation of all the bands into one agency, to be located on the White River, or near said river, and for the extinguishment of their right to the southern portion of their reservation in said State, and to report his proceedings under this act to Congress for its consideration and approval; the expense of such negotiations to be paid by the United States, and to be hereafter appropriated.

Approved, May 3, 1878.

NOTE.—Report of Commission and articles of agreement dated November 9, 1878. See Annual Report, 1879, pp. 170-181.

May 27, 1878.

20 Stat., 63.

CHAP. 142.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated,

* * * * * * *

[20 Stat., 74.]

Nez Perces of Joseph's band.

Report of Nez Perce Commission, Dec. 1, 1878.

See Annual Report for 1877, p 211.

NEZ PERCES OF JOSEPH'S BAND.

For this amount, or so much thereof as may be necessary, to be expended, under the direction of the Secretary of the Interior, in the removal of the Nez Perces Indians of Joseph's band, now held as prisoners of war at Fort Leavenworth, Kansas, to such suitable location in the Indian Territory[a] as the United States has a right to use for such purpose, consistent with existing treaties or arrangements with tribes occupying Indian Territory, and for their settlement thereon, and for clothing, subsistence, and such other articles as may be required for their advancement in civilization, including the employment of such skilled labor as may be necessary to aid in teaching them civilized pursuits with a view to their future self-support, the sum of twenty thousand dollars.

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[a] Trustees filed petition of March 23, 1879, in General Land Office for patent for said lands.

Deed from Cherokee dated June 14, 1883.

See Indian deeds, v. 6, p. 476.

See note to 1888, ch. 717, post, p. 288.

* * * * * * *

[20 Stat., 76.]

For this amount, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to be immediately available, in the removal of the Ponca Indians from their present location on the Quapaw reservation, Indian Territory, to a new one[b] west of the Kaw or Kansas, and between the Arkansas and Shakaskia Rivers, and for their settlement thereon, preparation of land for cultivation, purchase of agricultural implements, wagons, stock cattle, and such other articles as may be required for their advancement in civilization, including the employment of such skilled labor as may be necessary to aid and teach them civilized pursuits with a view to their future self-support, thirty thousand dollars, and which amount may be immediately available; in all, forty-five thousand five hundred dollars.

Deed from Cherokee dated June 14, 1883.

See Indian deeds, v. 6, p. 473.

See note to 1899, ch. 129, post, p. 676.

* * * * * * *

Approved, May 27, 1878.

June 14, 1878.

20 Stat., 542.

CHAP. 200.—An act to legalize certain patents issued to members of the Pottawatomie tribe of Indians.[c]

Potawatomi Indians.

Patent to, confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the patents issued April fifteenth, eighteen hundred and seventy-one, to certain Pottawatomie Indians in the State of Kansas, under the third article of the treaty between the United States and the Pottawatomie tribe of Indians, of November fifteenth, eighteen hundred and sixty-one, and the sixth and eighth articles of the treaty between the United States and said tribe of Indians, concluded February twenty-seventh, eighteen hundred and sixty-seven, be, and the same are hereby declared to be valid and in full force and effect to the same extent as they would have been had said patentees become naturalized citizens of the United States prior to the issuing of said patents: *Provided*, That this act shall only apply to patents for lands for which conveyances have been made in good faith by the patentees subsequent to the issuing of their patents.

Vol. 2, p. 825.

Vol. 2, p. 972.

Proviso.

Approved, June 14, 1878.

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[a] See Annual Report, 1882, page lxiii, for location.

[b] Description of reserve, see Annual Report, 1882, page 272.

[c] Claims of the Potawatomi are referred to the Court of Claims by the following acts: March 3, 1885, chapter 341 (23 Stat., 372); March 19, 1890, chapter 39 (post, p. 348); March 3, 1891, chapter 543 (post, p. 408); and a further claim by the same act, (post, p. 414).

Provisions relative to the Citizens Band will be found in the act of March 3, 1891, chapter 543, ratifying an agreement with that band, and in the acts of August 15, 1894, chapter 290 (post, p. 520), and May 31, 1900, chapter 598 (post, p. 701).

Payments are authorized to be made to the Potawatomi in Kansas by joint resolution of April 6, 1892 (post, p. 457), and the sale of the Kansas lands is provided by the act of February 28, 1899, chapter 222 (post, p. 680), repealing sections 10 and 11 of the act of March 2, 1895, chapter 188 (28 Stat., 909).

ACTS OF FORTY-FIFTH CONGRESS—THIRD SESSION, 1879.

Feb. 17, 1879.
20 Stat., 295.

CHAP. 87.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated,

* * * * * * *

[20 Stat., 312.]
Apache and others in Arizona.

Removal to Indian Territory prohibited.

Collecting and subsisting Apaches and other Indians of Arizona and New Mexico: For this amount, to subsist and properly care for the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona, three hundred and twenty thousand dollars. And the President of the United States is hereby directed to prohibit the removal of any portion of said tribes of Indians to the Indian Territory unless the same shall be hereafter authorized by act of Congress.

* * * * * * *

Approved, February 17, 1879.

Mar. 3, 1879.
20 Stat., 377.

CHAP. 182.—An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed,

* * * * * * *

[20 Stat., 398.]
Removal of Muache and other Ute Indians.
See 20 Stat., 48.
See also note to 1874, c. 136, ante p. 151.

For the removal of the Muache, Capote, and Weeminuche bands of Ute Indians to the new reservation provided for them under the terms of an agreement made by the United States through Edward Hatch, N. C. McFarland, and Lot M. Morrill, commissioners, and the above named bands of Ute Indians, at Pagosa Springs, in the State of Colorado, upon the ninth day of November, anno Domini eighteen hundred and seventy-eight, and for the erection of suitable agency buildings, including residence for agent upon said new reservation, twenty thousand dollars.

NOTE.—Articles of agreement dated November 9, 1878, and Report of Commission. (See Annual Report 1879, p. 170–181.)

* * * * * * *

Approved, March 3, 1879.

Mar. 3, 1879.
20 Stat., 471.

CHAP. 190.—An act to amend an act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouria and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska.

Oto and Missouri and Sauk and Fox reservation in Kansas.
Ante, p. 167.
See note to 1881, ch. 138, post, p. 190.
See note to 1885, ch. 337, post, p. 228.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of the act of August fifteenth, eighteen hundred and seventy-six, chapter three hundred and eight, entitled "An act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouria and the Sac and Fox of the Missouri tribes of Indians," be, and the same hereby is, amended so as to read as follows:

Portion to be sold.

That after the survey and appraisement of said lands, the Secretary of the Interior shall be, and is hereby, authorized to offer one hundred and twenty thousand acres from the western side of the same for sale, through the United States public land-office at Beatrice, Nebraska, in tracts not exceeding one hundred and sixty acres for cash, to actual settlers, or persons who shall make oath before the register or receiver of the land office at Beatrice, Nebraska, that they intend to occupy the land for authority to purchase which they make application, and who shall within three months from the date of such application make a permanent settlement upon the same, in tracts not exceeding one hundred and sixty acres to each purchaser: *Provided*, That if, in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians expressed in open council, dispose of the same upon the following terms as to payments, that is to say, one-third in cash, one-third in one year, and one-third in two years from date of sale, with interest at the rate of six per centum per annum: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than two dollars and fifty cents per acre: *And provided further*, That whenever a settler on any of the lands subject to sale under the act to which this is amendatory shall apply to purchase a tract containing a small excess over one hundred and sixty acres, owing to the legal subdivisions being made fractional by boundary-line of reservation, township or section line, his application shall not be rejected on account of such excess; but, if no other objection exist the purchase shall be allowed as in other cases: *And provided further*, That bona fide claimants at present occupying lands under the provisions of the act of which this is amendatory may in the discretion of the Secretary of the Interior be allowed additional time for making the deferred payments required by said act for the lands so claimed and occupied by them in good faith, not exceeding one year on each payment so required to be made.

Persons intending to settle, and who settle within three months, allowed to purchase.

Proviso.
Terms.

Interest.
Proviso.
Price.

Settlers may buy more than 160 acres in certain cases.

Proviso.
Present occupants may be allowed further time to make payments.

Approved, March 3, 1879.

ACTS OF FORTY-SIXTH CONGRESS—SECOND SESSION, 1880.

CHAP. 39.—An act for the relief of certain actual settlers on the Kansas trust and diminished reserve lands in the State of Kansas.

Mar. 16, 1880.

21 Stat., 68.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the persons included in the provisions of section one of the act approved July five, eighteen hundred and seventy-six, entitled "An act providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale," or the heirs, legal representatives and assigns of said persons, shall be permitted to complete the payment for the lands to which they are entitled under said act, at the newly appraised value as ascertained and approved by the Secretary of the Interior, under section three of said act, and in completing such payment credit shall be given for all sums heretofore paid as principal and interest, which sums shall be considered as constituting one instalment upon the present appraised value at the date when the last payment thereof was made; and the balance shall be paid in three equal instalments, the first to be paid on or before the first day of January, eighteen hundred and eighty-one, and the remaining instalments shall be payable annually from the date of the first; each instalment to draw interest at the rate of six per centum per annum from the date when the last payment heretofore made was received by the district office: *Provided*, That if any of said persons have failed to make payment heretofore of any portion of the purchase money, as required under the act aforesaid, or the act of June twenty-third, eighteen hundred and seventy-four, relating to these

Settlers on Kansas trust and diminished reserve lands.
1876, ch. 168, ante p. 162.

Newly appraised value, terms of payment, interest.

Interest.

Proviso.
Payments in arrears.
18 Stat., 272.

Interest.
Bonds to prevent waste.
When not in possession may be entered.

lands, such persons, their heirs, legal representatives or assigns, being in possession thereof shall be required, prior to the first day of January, eighteen hundred and eighty-one, to make entry and pay for their respective claims in three equal instalments, the first on the day of entry and the remaining instalments annually from that date and drawing interest at the rate of six per centum per annum until paid; bond being required in case of timbered lands to prevent waste as in section one of said act; and where such persons, their heirs, legal representatives, or assigns are not in possession of said lands then the same may be entered as others of the said Kansas Indian lands, by actual settlers only.

18 Stat., 272.
Entries; may pay new appraised value.

SEC. 2. That all persons who have made entries under section two of the act of June twenty-third, eighteen hundred and seventy-four, relating to these lands, may complete their payments upon such entries at the newly appraised value thereof in the same manner and upon the same terms, credits, and limitations as are provided in section one of this act.

Ante, p. 162.
Default and forfeiture.

SEC. 3. That the terms of the proviso of section two of the act of July fifth, eighteen hundred and seventy-six, relating to default and forfeiture shall extend to all entries and requirements under the provisions of this act.

Actual settlement on contiguous land, etc., sufficient.
Proviso.

SEC. 4. Actual settlement on any of said lands shall be regarded as sufficient in all cases where the claimant actually resides on contiguous land to which he holds the legal title, and has heretofore cultivated and made valuable improvements on his adjoining claim, in good faith, for the purpose of a home for himself: *Provided*, Said claimant shall in all other respects comply with the law and the regulations issued thereunder by the General Land Office.

Approved, March 16, 1880.

May 11, 1880.
21 Stat., 114.

CHAP. 85.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

[21 Stat., 131.]
L'Anse and Vieux de Sert bands of Chippewa to be credited semi annually with interest, etc.
See note to 1889, ch. 24, post, p. 301.
18 Stat., 140.

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed, semi-annually, to place to the credit of the L'Anse and Vieux de Sert bands of Chippewas, of Lake Superior, under the provisions of the act entitled "An act to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment", approved April first, eighteen hundred and eighty, interest upon twenty thousand dollars, being the unexpended balance of money belonging to the said Indians appropriated under the provisions of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the government for the fiscal years ending June thirtieth, eighteen hundred and seventy-three and eighteen hundred and seventy-four, and for other purposes," approved June twenty-second, eighteen hundred and seventy-four, and now to their credit on the books of the Treasury, said unexpended balance and interest thereon to be applied as provided in said act.

Approved, May 11, 1880.

CHAP. 107.—An act for the relief of settlers upon the Osage trust and diminished-reserve lands in Kansas, and for other purposes.

May 28, 1880.

21 Stat., 143.

Settlers on Osage trust and diminished reserved lands, Kansas, 60 days to establish claims.

R. S., 2283, 2284.

See note to 1872, ch. 310, ante, p. 137.

157 U. S., 46; 58 Fed. Rep., 104.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all actual settlers under existing laws upon the Osage Indian trust and diminished reserved lands in Kansas (any failure to comply with such existing laws notwithstanding) shall be allowed sixty days after a day to be fixed by public notice by advertisement in two newspapers in each of the proper land districts, which day shall not be later than ninety days after the passage of this act, within which to make proof of their claims, and to pay one fourth the purchase price thereof, and the said parties shall pay the balance of said purchase price in three equal annual installments thereafter: *Provided*, That nothing herein contained shall be construed to prevent an earlier payment of the whole or any installment of said purchase money as aforesaid.

Proviso.

Default in payment a forfeiture.

Land resold unless payment is made before day of offering.

And if default be made by any settler in the payment of any portion or installment at the time it becomes due under the foregoing provisions, his entire claim, and any money he may have paid thereon, shall be forfeited, and the land shall, after proper notice, be offered for sale according to the terms hereinafter prescribed, unless before the day fixed for such offering, the whole amount of purchase money shall be paid by said claimant, so as to entitle him to receive his patent for the tract embracing his claim.

Remaining lands subject to disposal to actual settlers only.

SEC. 2. That all the said Indian lands remaining unsold and unappropriated and not embraced in the claims provided for in section one of this act, shall be subject to disposal to actual settlers only, having the qualifications of pre-emptors on the public lands. Such settlers shall make due application to the register with proof of settlement and qualifications as aforesaid; and, upon payment of not less than one-fourth the purchase price shall be permitted to enter not exceeding one quarter section each, the balance to be paid in three equal installments, with like penalties, liabilities and restrictions as to default and forfeiture as provided in section one of this act.

Sales in default of payment.

To be advertised and sold for cash to highest bidder.

To be offered once every year.

SEC. 3. All lands upon which such default has continued for ninety days shall be placed upon a list, and the Secretary of the Interior shall cause the same to be duly proclaimed for sale in the manner prescribed for the offering of the public lands, but not exceeding one quarter section shall be sold to any one purchaser, at a price not less than the price fixed by law, but such lands, upon which such default shall be made, shall be offered for sale by advertisement of not less than thirty days in two newspapers in the proper land districts respectively and unless the purchase price be fully paid before the day named in the notice, shall be sold for cash to the highest bidder at not less than the price fixed by law. And all such lands, subject to unpaid overdue installments, shall be so offered once every year. And if any of said lands shall remain unsold after the offering as aforesaid, they shall be subject to private entry, for cash in tracts not exceeding one quarter section by one purchaser.

When subject to taxation.

Purchaser under tax-sale to pay residue of payments on land.

Patent to issue when.

SEC. 4. After the payment of the first installment as hereinafter provided for, such lands shall be subject to taxation according to the laws of the State of Kansas, as other lands are or may be in said State: *Provided*, That no sale of any such lands for taxes shall operate to deprive the United States, of said lands, or any part of the purchase-price thereof, but if default be made in any installment of the purchase-price as aforesaid, such tax sale purchaser, or his or her legal representatives, may, upon the day fixed for the public sale, and after such default has become final, under the foregoing provisions, pay so much of said purchase-price as may remain unpaid, and shall thereupon be entitled to receive a patent for the same as though he had

Rights of settler to redeem lands under revenue laws of Kansas preserved.

made due settlement thereon: *And provided further*, That nothing in this act shall be so construed as to deprive or impair the right of the settler, of the right of redemption under the revenue laws of the State of Kansas.

Fees to register and receiver.
Disposal of net proceeds.
Secretary of Interior to make rules and regulations.

SEC. 5. That the register and the receiver shall be allowed the same fees and commissions as are allowed by law for the disposal of the public lands, and the net proceeds of the sales and disposals after deducting the expenses of such disposals, shall be deposited to the credit of the proper Indian fund, as provided by existing laws; and the Secretary of the Interior shall make all rules and regulations necessary to carry into effect the provisions of this act.

Town-sites.

SEC. 6. That nothing in this act shall be construed to interfere in any manner with the operation of the town-site laws as applicable to these lands: *Provided*, That all claims for entry under said statutes shall be proved up and fully paid for, before the day fixed for the commencement of the public sales provided for in section three of this act.

Interest on purchase money.

SEC. 7. In all cases arising under this act interest at the rate of five per cent. per annum shall be computed and paid upon all that part of the purchase money in respect to which time is given for the payment of the same.

Approved, May 28, 1880.

June 15, 1880.
21 Stat., 199.

CHAP. 223.—An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same.

Preamble.
See note to 1874, ch. 136, ante, p. 151.
See 1895, ch. 113, post, p. 555.

Whereas certain of the chiefs and headmen of the confederated bands of the Ute tribe of Indians, now present in the city of Washington, have agreed upon and submitted to the Secretary of the Interior an agreement for the sale to the United States of their present reservation in the State of Colorado, their settlement upon lands in severalty, and for other purposes; and

Whereas the President of the United States has submitted said agreement, with his approval of the same, to the Congress of the United States for acceptance and ratification, and for the necessary legislation to carry the same into effect: Therefore

Ute Indians in Colorado.
Proviso.
Agreement for sale of lands.
Amended and ratified.
Proviso.
Schools.
Payment annually for twenty years to certain persons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, accepted, ratified, and confirmed: *Provided*, That the said agreement shall be amended by adding to the first clause thereof, after the words "guilty parties", the words following, to wit: "Until such surrender or apprehension, or until the President shall be satisfied that the guilty parties are no longer living or have fled beyond the limits of the United States, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid"; and by adding to the third express condition of said agreement after the word "forever", the words following, to wit: "*Provided*, That the President of the United States may, in his discretion, appropriate an amount thereof, not exceeding ten thousand dollars, for the education in schools established within or beyond the limits of the lands selected, of such youths of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self-support, and out of the portion of said moneys coming to the White River Utes, the United States shall pay annually to the following-named persons, during the period of twenty years, if they shall live so long, the following sums respectively: To Mrs. Arivella D. Meeker, five hundred dollars; to Miss Josephine Meeker, five hundred dollars; to Mrs. Sophronia Price, five hundred dollars; to Mrs. Maggie Gordon, five hundred dollars; to George Dresser, two hundred dollars; to Mrs. Sarah M. Post, five hundred dollars; to Mrs. Eaton, mother of George Eaton, two hundred dollars; to the parents of Arthur L. Thompson, two hundred dollars; to the father of Fred Shepard, two hundred dollars; to the parents of Wilmer Eskridge, two hundred dollars"; and by adding to the fifth express condition of said agreement after word "reaffirmed", the words following to wit: "This sum, together with the annuity of fifty thousand dollars hereinbefore provided, may, in the discretion of Congress, at the end of twenty-five years, be capitalized, and the principal sum be paid to said Indians per capita in lieu of said annuities": *And provided also*, That three-fourths of the adult male members of said confederated bands shall agree to and sign said agreement, upon presentation of the same to them, in open council, in the manner hereinafter provided: *Provided further*, That nothing in this act contained, or in the agreement herein set forth, or in the amendments herein proposed to said agreement, shall be so construed as to compel any Ute Indian to remove from any lands that he or she claims in severalty. Said agreement is in words and figures as follows, namely:

Agreement further amended.

Proviso.

[21 Stat., 200.]

Proviso.

Agreement.

The chiefs and headmen of the confederate bands of the Utes now present in Washington, hereby promise and agree to procure the surrender, to the United States, for trial and punishment, if found guilty, of those members of their nation, not yet in the custody of the United States, who were implicated in the murder of the United States Indian Agent N. C. Meeker and the murder of and outrages upon the employees at the White River Agency on the twenty-ninth day of September, eighteen hundred and seventy-nine, and in case they do not themselves succeed in apprehending the said parties, presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

Murderers, etc., to be surrendered for trial and punishment.

Amended by Congress.

The said chiefs and headmen of the confederated bands of Utes also agree and promise to use their best endeavors with their people to procure their consent to cede to the United States all the territory of the present Ute Reservation in Colorado, except as hereinafter provided for their settlement.

Southern Ute to remove and settle upon lands on the La Plata River, Colorado.

The Southern Utes agree to remove to and settle upon the unoccupied agricultural lands on the La Plata River, in Colorado; and if there should not be a sufficiency of such lands on the La Plata River and in its vicinity in Colorado, then upon such other unoccupied agricultural lands as may be found on the La Plata River or in its vicinity in New Mexico.

Uncompahgre Ute to remove to Grand River, etc.

The Uncompahgre Utes agree to remove to and settle upon agricultural lands on Grand River, near the mouth of the Gunnison River, in Colorado, if a sufficient quantity of agricultural land shall be found there, if not then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.

White River Ute to remove to Uintah Reserve.

The White River Utes agree to remove to and settle upon agricultural lands on the Uintah Reservation in Utah.

Allotments to be made.

Allotments in severalty of said lands shall be made as follows:

How made.

To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section.

To each single person over eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

To each orphan child under eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; and to each other person, under eighteen years, now living, or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.

Made with the advice of a commission.

All allotments to be made with the advice of the commission [a] hereinafter provided, upon the selection of the Indians, heads of families selecting for their minor children, and the agents making the allotment for each orphan child.

Chiefs and headmen not to interfere with travel, etc.

The said chiefs and headmen of the confederated bands of Utes further promise that they will not obstruct or in anywise interfere with travel upon any of the highways now open or hereafter to be opened by lawful authority in or upon any of the lands to be set apart for their use by virtue of this agreement.

Conditions of agreement.

The said chiefs and headmen of the confederated bands of Utes promise to obtain the consent of their people to the cession of the territory of their reservation as above on the following express conditions:

Lands to be surveyed and alloted.

[21 Stat. 201.]

Patents to issue.

Title acquired.

Not subject to alienation or tax.

First. That the Government of the United States cause the lands so set apart to be properly surveyed and to be divided among the said Indians in severalty in the proportion hereinbefore mentioned, and to issue patents in fee simple to them respectively therefor, so soon as the necessary laws are passed by Congress. The title to be acquired by the Indians shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President of the United States may see fit to remove the restriction, which shall be incorporated in the patents when issued, and any contract made prior to the removal of such restriction shall be void.

Annuity, when distributed.

Commission for removal.

Distribution of appropriation.

One-third to those on La Plata River, one-half to those on Grand River, one-sixth to those on Uintah Reserve.

Second. That so soon as the consent of the several tribes of the Ute Nation shall have been obtained to the provisions of this agreement, the President of the United States shall cause to be distributed among them in cash the sum of sixty thousand dollars of annuities now due and provided for, and so much more as Congress may appropriate for that purpose; and that a commission [a] shall be sent to superintend the removal and settlement of the Utes, and to see that they are well provided with agricultural and pastoral lands sufficient for their future support, and upon such settlement being duly effected, that they are furnished with houses, wagons, agricultural implements, and stock cattle sufficient for their reasonable wants, and also such saw and grist mills as may be necessary to enable them to commence farming operations, and that the money to be appropriated by Congress for that purpose shall be apportioned among the different bands of Utes in the following manner: One-third to those who settle on the La Plata River and vicinity, one-half to those settling on Grand River and vicinity, and one-sixth to those settling on the Uintah Reservation.

Perpetual trust fund, in consideration of cession of lands.

Third. That in consideration of the cession of territory to be made by the said confederated bands of the Ute Nation, the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, agrees to set apart and hold, as a perpetual trust for the said Ute Indians, a sum of money, or its equivalent in bonds of the United States, which shall be sufficient to produce the sum of fifty thousand dollars per annum, which sum of fifty thousand dollars shall be distributed per capita to them annually forever.

Removal of agencies of Uncompahgre and Southern Ute.

Fourth. That as soon as the President of the United States may deem it necessary or expedient, the agencies for the Uncompahgres and Southern Utes be removed to and established at suitable points, to be hereafter selected, upon the lands to be set apart, and to aid in the support of the said Utes until such time as they shall be able to support themselves, and that in the mean time the United States Government will establish and maintain schools in the settlements of the Utes, and make all necessary provision for the education of their children.

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[a] Report of Ute Commission, January 20, 1881. (See Annual Report for 1881, p. 201.) Report of November 21, 1881. (See Annual Report for 1881, p. 325.) See Senate Executive Document No. 31, Forty-sixth Congress, third session.

Schools to be established.

Provisions for perpetual annuity in treaty of Mar. 2, 1868, vol. 2, p. 765, and act of 1874, c. 136, ante, p. 151, reaffirmed.

Fifth. All provisions of the treaty of March second, eighteen hundred and sixty-eight, and the act of Congress approved April twenty-ninth, eighteen hundred and seventy-four, not altered by this agreement, shall continue in force, and the following words from article three of said act, namely, "The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum, which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians forever", are hereby expressly reaffirmed.

Commissioners to ascertain what improvements have been made by Indians.

Payment therefor.

Sixth. That the commissioners above mentioned shall ascertain what improvements have been made by any member or members of the Ute Nation upon any part of the reservation in Colorado to be ceded to the United States as above, and that payment in cash shall be made to the individuals having made and owning such improvements, upon a fair and liberal valuation of the same by the said commission, taking into consideration the labor bestowed upon the land.

[21 Stat., 202.]

Done at the city of Washington this sixth day of March anno Domini eighteen hundred and eighty.

Signed

CHAVANAUX his X mark
IGNATIO his X mark
ALHANDRA his X mark
VERATZITZ his X mark
GALOTA his X mark
JOCKNICK his X mark
WASS his X mark
SAWAWICK his X mark
OURAY

Witnesses:

Will F. Burns, Interpreter.
W. H. Berry, Interpreter.
Otto Mears, Interpreter.
Henry Page, United States Indian Agent, Southern Utes.
Charles Adams, Special Agent.

Commissioners appointed, compensation, expenses.

Sec. 2. That the President of the United States be, and he is hereby, authorized and empowered to appoint, by and with the advice and consent of the Senate, five commissioners, who shall receive compensation for their services at the rate of ten dollars per diem while actually engaged, in addition to their actual traveling and other necessary expenses; and said commissioners shall, under such instructions as the Secretary of the Interior may give them, present said agreement to the confederated bands of the Ute Indians in open council for ratification, as provided in the first section of this act; and said commissioners

Clerk's salary, bond, duties.

shall have a clerk, at a salary of two hundred dollars per month, in addition to his actual traveling and other necessary expenses, and who shall give bond in an amount to be fixed by the Secretary of the Interior, and shall act also as disbursing-officer for said commissioners. And upon the ratification of said agreement by said tribe as herein provided, said commissioners shall, under the direction of the Secretary of the Interior, appraise the improvements belonging to said Ute Indians upon the lands surrendered by them as provided in said agreement, and

To report.

report the same to the Secretary of the Interior for settlement. It

Census of Indians.

shall be their duty to take a careful census of said Indians, separating them under said census as follows:

First. Those known in the agreement above referred to as Southern Utes.

Second. Those known as Uncompahgre Utes.

Third. Those known as White River Utes.

Particulars of census.

Said census shall also show separately the name of each head of a family, and the number of persons in such family, distinguishing those over eighteen years of age from those under eighteen years of age, and giving the names of each separately; also, said census shall show separately the orphan children in each of said classes of Utes described in the foregoing agreement, and they shall make an accurate register of the names, ages, occupations, and general condition of each of the above classes as aforesaid, specifying particularly the number and names of said Indians incapable by reason of orphanage, minority, or other disability of managing their own affairs, and they shall also select lands

(21 Stat., 208.)
Lands allotted in severalty.

and allot them in severalty to said Indians, as herein provided, and superintend the removal, location, and settlement of the Indians thereon, and do and perform such other services as the Secretary of the Interior may consider necessary for them to do in the execution of the provisions of this act.

Commissioners to make full report.

And after the said commissioners shall have performed the duties specifically assigned to them by this act, and such other duties as the Secretary of the Interior may require of them, they shall make a full report of their proceedings to the Secretary of the Interior, which shall set forth, among other things, the name of each person to whom they may have apportioned and allotted lands as herein provided for, with the name and condition of such person, showing who, upon proofs, are considered incompetent to take charge of their property, either as orphans, minors, or for other causes; and shall also exhibit the quantity of land assigned to each person, with the metes and bounds of such

Map of survey.

allotments. And said commissioners shall make an accurate map of the whole survey and proceeding, showing the partition and division aforesaid, a copy of which map shall be filed with said report; and the Secretary of the Interior shall cause a copy to be filed in the General Land Office, and copies shall also be filed in the office of the surveyors-general of Utah, Colorado and New Mexico, and also in the office of the register and receiver of the land district in which such lands or any portion of

Further report of acres allotted.

them may be situate. Said commissioners shall further report the total number of acres alloted and set apart as provided by the foreging agreement, the amount of such land tillable without irrigation, the amount

Agencies located.

of irrigation required, and the probable cost thereof. They shall also locate the agencies for the Southern Utes and the Uncompahgre Utes, shall furnish an estimate of the number of houses required, the cost of

Estimate of school-houses and school children.

each, the number of school-houses required and the number of teachers, and the number of children of school age, and such other data as the secretary of the Interior may require to enable him to make judicious

To supervise and control expenditures and render accounts and vouchers.

expenditure of the money appropriated in section nine of this act; and said commissioners shall exercise direct supervision and control of all expenditures under this act during the time they remain in the Ute country, under the general direction of the Secretary of the Interior; and they shall render a full and detailed account of such expenditure, with the vouchers therefor, as now provided by law.

Survey of land for the settlement in severalty of Indians.

Allotment of land in severalty.

Patents issued to allottees.

Lands not allotted, released, and conveyed to United States.

To be held and disposed of as other public lands.

Not subject to homestead entry.

Proceeds of sales, distribution of.

[21 Stat., 204.]

Remainder deposited in Treasury in trust for Indians.

Proviso.

Lands with improvements thereon sold at public sale.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, under the direction of said commissioners, a sufficient quantity of land in the vicinities named in said agreement, to secure the settlement in severalty of said Indians as therein provided. And upon the completion of said survey and enumeration herein required, the said commissioners shall cause allotments of lands to be made to each and all of the said Indians, in quantity and character as set forth in the agreement above mentioned, and whenever the report and proceedings of said commissioners, as required by this act, are approved by the President of the United States, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same conditions, restrictions, and limitations mentioned therein as are provided in said agreement; and all the lands not so allotted, the title to which is, by the said agreement of the confederated bands of the Ute Indians, and this acceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands, at the same price and on the same terms as other lands of like character, except as provided in this act: *Provided*, That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law; but shall be subject to cash entry only in accordance with existing law; and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the Government for the benefit of said Indians, and then to be applied in payment for the lands at one dollar and twenty-five cents per acre which may be ceded to them by the United States outside of their reservation, in pursuance of this agreement. And the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of the said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act: *Provided further*, That the subdivisions upon which are located improvements to be appraised, as provided for in section two of this act, shall be offered to the highest bidder at public sale, after published notice of at least thirty days by the Secretary of the Interior, and the same shall be absolutely reserved from occupation or claim until so sold.

R. S., 1977.

Indians subjected to provisions of.

Allotments not subject to tax, etc.

SEC. 4. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the provisions of section nineteen hundred and seventy-seven of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof: *Provided*, That their lands and personal property shall not be subject to taxation or execution upon the judgment, order, or decree of any court obtained on any cause of action which may arise during the period named in the above recited agreement.

Perpetual trust-fund, interest $50,000 paid per capita annually.

SEC. 5. That the Secretary of the Treasury shall, out of any moneys in the Treasury not otherwise appropriated, set apart, and hold as a perpetual trust-fund for said Ute Indians, an amount of money sufficient at four per centum to produce annually fifty thousand dollars, which interest shall be paid to them per capita in cash, annually, as provided in said agreement.

Salaries to Ute continued ten years longer than stipulated in treaties.

$4,000 per annum to be distributed by the President.

Sec. 6. That all salaries paid to any member or members of the Ute tribe under existing treaty stipulations shall be continued for the term of ten years beyond the time fixed in said treaties. And the sum of four thousand dollars per annum for the term of ten years shall be distributed by the President at his discretion to such of said Indians as distinguished themselves by good sense, energy, and perseverence in the pursuit of civilized life, and in the promotion of a good understanding between the Indians and the Government and people of the United States, and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, four thousand dollars as the first installment for such purpose.

R. S., title 28, extended to lands allotted to Indians.

Sec. 7. That the provisions of title twenty-eight of the Revised Statutes shall extend over and be applicable to every allotment of land provided for in the foregoing agreement, and to the administration of the affairs of said Indians, so far as said provisions can be made applicable thereto.

Sec. 8. [*Repealed by 1884, ch. 50, post, p. 217.*]

Appropriations.

Sec. 9. That for the purpose of carrying the provisions of this act into effect, the following sums, or so much thereof as may be necessary, be, and they are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior as follows, namely:

Expenses of commissioners.

For the payment of the expenses of the commissioners herein provided, the sum of twenty-five thousand dollars.

Removal, etc., Ute.

[21 Stat., 205.]

For the cost of removal and settlement of the Utes, surveying their lands, building houses, establishing schools, building mills and agency buildings, purchasing stock, agricultural implements, and so forth, as provided in said agreement and in this act, the sum of three hundred and fifty thousand dollars.

Per capita to Utes.

For the sum to be paid to said Ute Indians, per capita, in addition to the sixty thousand dollars now due and provided for, the sum of fifteen thousand dollars.

Individual improvements.

For the payment of the appraised value of individual improvements as provided herein, the sum of twenty thousand dollars.

Support of Ute in Colorado current fiscal year.

Proviso.

For the care and support of the Ute Indians in Colorado for the balance of the current fiscal year, the sum of twelve thousand dollars: *Provided*, That with the exception of the appropriation for expenses of the commissioners, the above appropriations shall become available only upon the ratification of said agreement by three-fourths of the male adult members of the Ute Indians as provided in this act, and the certification of such fact to the Secretary of the Treasury by the Secretary of the Interior.

Time limited for ratification of amended agreement by three-fourths of male adult Utes.

Sec. 10. If the agreement[*] as amended in this act is not ratified by three-fourths of the adult male Indians of the Ute tribes within four months from the approval of this act the same shall cease to be of effect after that day.

Approved June 15, 1880.

June 16, 1880.

21 Stat., 291.

Chap. 251.—An act to carry into effect the second and sixteenth articles of the treaty between the United States and the Great and Little Osage Indians, proclaimed January twenty-first, eighteen hundred and sixty-seven.

Preamble.

12 Stat., 126.

Whereas, by the act for the admission of the State of Kansas into the Union, approved January twenty-ninth, eighteen hundred and sixty-one, the United States granted to said State the sixteenth and thirty-sixth sections "of every township of public lands in said State", but especially provided that the lands embraced within the

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[*] The agreement, as amended by this act, was ratified by three-fourths of the adult male Indians of the Ute tribes within the time limited by section ten. (See Annual Report for 1881, pp. 208–216.)

Indian reservations in said State should not be alienated for any purpose, except with the consent of the Indians of such reservations, and in accordance with the conditions of the treaty authorizing such alienation; and

Vol. 2, p. 878.

Whereas, by the treaty between the United States and the Great and Little Osage Indians, proclaimed January twenty-first, eighteen hundred and sixty-seven, a trust was created for the disposal of the lands of said Indians in the State of Kansas, the metes and bounds of which said lands are specifically set forth in said treaty, by which the United States bound itself to survey and sell any and all of such lands, "at a price not less than one dollar and twenty-five cents per acre, as other lands are surveyed and sold", and to place "the proceeds of such lands as they accrue, after deducting all expenses incident to the proper execution of the trust, * * * in the Treasury of the United States to the credit of said tribe of Indians"; and

Whereas it is claimed that under the operation of the treaty herein referred to there are moneys due, both on account of grants and sales of lands, which have not been placed to the credit of said Indians, as provided for in said treaty: Therefor,

Account of number of acres of Osage lands in State of Kansas to be stated.

See note to 1872, ch. 310, ante, p. 157.

12 Stat., 126.

Vol. 2, p. 878.

Account of money received by United States on account of sales of land.

And difference certified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to cause an account to be stated of the number of acres of the Osage lands in the State of Kansas that have in any way been alienated by the United States, either by the act of January twenty-ninth, eighteen hundred and sixty-one, entitled "An act for the admission of Kansas into the Union", or since the creation of the trust for the sale of these lands by the treaty between the United States and the Great and Little Osage Indians, proclaimed January twenty-first, eighteen hundred and sixty-seven, and of the money received by the United States on account of the sales of such lands, and to certify the difference between the sum so received and the sum that would be due said trust at the date of the account herein provided for had all of said lands so alienated been disposed of as provided for by said treaty.

Appropriation to credit Secretary of the Interior, as custodian of trust funds.

Cost and expenses of survey, etc.

Balance placed to credit of Indians.

Proviso.

Like account to be stated of Indian-civilization fund, etc.

SEC. 2. That a sum of money equal to the amount certified by the Secretary of the Interior, in pursuance of the foregoing section, to the Secretary of the Treasury, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which the Secretary of the Treasury is directed to place to the credit of the Secretary of the Interior as custodian of said trust funds, and, after defraying the cost of survey and sale of said lands and other expenses contracted by the United States or the Osage Nation in the execution of said trust, the balance of said funds shall be placed in the Treasury of the United States, to the credit of said Indians, to be invested and distributed in accordance with existing treaties: *Provided*, That a like settlement shall be made with the Indian-civilization fund for the sixteenth and thirty-sixth sections, given by the United States to the State of Kansas, within the limits of the Osage lands, ceded by the first article of the treaty aforesaid.

Approved, June 16, 1880.

ACTS OF FORTY-SIXTH CONGRESS—THIRD SESSION, 1881.

Jan. 18, 1881.

21 Stat., 315.

CHAP. 23.—An act for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pursuits, and to promote their civilization.

Winnebago Indians in Wisconsin.
Preamble.

Whereas a large number of the Winnebago Indians of Wisconsin have selected and settled in good faith upon homestead claims, under section fifteen of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending

1863, ch. 53, ante, p. 125, and note.

June thirtieth, eighteen hundred and seventy-five, and prior years, and for other purposes", approved March third, eighteen hundred and seventy-five, and all said Indians having signified their desire and purpose to abandon their tribal relations and adopt the habits and customs of civilized people, and avail themselves of the benefits of the aforesaid act, but in many instances are unable to do so on account of their extreme poverty; and

13 Stat., 172.

Whereas a portion of the funds belonging to said Winnebago Indians of Wisconsin, and accruing under the act of June twenty-fifth, eighteen hundred and sixty-four, "providing for deficiencies in subsistence and expenses of removal and support of the Sioux and Winnebago Indians of Minnesota", amounting to the sum of ninety thousand six hundred and eighty-nine dollars and ninety-three cents, is now in the Treasury of the United States to their credit; and

Whereas the major portion of the fund belonging to said Indians under said act of June twenty-fifth, eighteen hundred and sixty-four, together with the sum of one hundred thousand dollars of the principal fund of the tribe, has since said date been expended for the benefit of that portion of the Winnebago Indians residing in Nebraska; and

Whereas the location of said Winnebago Indians of Wisconsin has, under the said act of March third, eighteen hundred and seventy-five, become permanent: Therefore

Census of the tribe in Nebraska and Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby authorized and directed to cause a census of the tribe of Winnebago Indians, now residing in Nebraska and Wisconsin to be taken; said enrollment to be made upon separate lists; the first to include all of said tribe now residing upon or who draw their annuities at the tribal reservation in Nebraska, and the second to embrace all of said tribe now residing in the State of Wisconsin.

Annuities and appropriations under treaties to be disbursed by the Secretary of the Interior pro rata.
13 Stat., 172.
1874, ch. 389, ante, p. 158.
18 Stat., 444.
19 Stat., 194.
19 Stat., 288.
20 Stat., 82.
20 Stat., 312.
21 Stat., 126.

SEC. 2. That upon the completion of the census of the Winnebago Indians in Wisconsin, the Secretary of the Interior is authorized and directed to expend for their benefit the proportion of the tribal annuities due to and set apart for said Indians under the act of June twenty-fifth, eighteen hundred and sixty-four, of the appropriations for the tribe of Winnebago Indians for the fiscal years eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six, eighteen hundred and seventy-seven, eighteen hundred and seventy-eight, eighteen hundred and seventy-nine, and eighteen hundred and eighty, amounting to ninety thousand six hundred and eighty-nine dollars and ninety-three cents; and the Secretary of the Interior shall also expend for the benefit of said Indians, out of the sum of forty-one thousand and twelve dollars and seventy-four cents now in the Treasury to the credit of the Winnebago tribe of Indians, and accruing under treaty appropriations for the fiscal year eighteen hundred and seventy-three and prior years, such sum as may upon the completion of said census, be found necessary to equalize the payments between the two bands on account of the payment of the sum of one hundred thousand dollars in the year eighteen hundred and seventy-two from the principal funds of the tribe to the Winnebagoes in Nebraska. And all of the said sums shall be paid pro-rata to those persons whose names appear upon the census-roll of the Winnebagoes of Wisconsin, heads of families being permitted to receive the full amount to which

Claimants to benefits to show that they have taken up homesteads.
18 Stat., 420.

all the members of the family are entitled: *Provided*, That before any person shall be entitled to the benefits accruing under this act, it shall be made to appear that the person claiming its benefits, or the head of the family to which such person belongs, has taken up a homestead in accordance with the said act of March third, eighteen hundred and seventy-five, or that, being unable to fully comply with the said act by reason of poverty, he or she has made a selection of land as a homestead, with a bona fide intention to comply with said act, and that the money applied for will be used to enter the land so selected, and for the improvement of the same.

Future distribution of annuities, how made.

1863, c. 53, ante, p. 125.

SEC. 3. That in the future distribution of the annuities of the said tribe of Winnebago Indians, a pro-rata division, according to the number of each band as shown by said census, shall be made between that portion of said tribe in Nebraska and that portion in Wisconsin; and the moneys belonging to each shall be annually distributed to the members of said bands respectively, in the manner provided by the fifth section of the act of February twenty-first, eighteen hundred and sixty-three, entitled "An act for the removal of the Winnebago Indians, and for the sale of their reservation in Minnesota for their benefit."

Adjustment of amount between Indians in Wisconsin and those in Nebraska.

Balance found in favor of Indians in Wisconsin, how secured, etc.

Proviso.
Amount of.

SEC. 4. That for the purpose of equitably adjusting the amount due to the Winnebago Indians in Wisconsin, under the act of June twenty-fifth, eighteen hundred and sixty-four, from that portion of the tribe residing in Nebraska, and arising from the failure of the Department of the Interior to set aside from year to year the proportion of the tribal fund belonging to said Wisconsin Winnebagoes, as provided in said act, from the date of the passage of the same to the year eighteen hundred and seventy-six, and the payment of the full amount of the same to the Winnebagoes of Nebraska for such period, the Secretary of the Interior is hereby directed to have an account between said portions of the Winnebago tribe of Indians stated, basing the same upon the census herein provided for, charging the Winnebagoes in Nebraska with the full amount found to be due to the Wisconsin Winnebagoes under said act for the period named, and crediting them with the amount actually expended in the removal and subsistence of the Wisconsin Winnebagoes at the date of their removal to Nebraska in the year eighteen hundred and seventy-three; and the balance found in favor of the Winnebagoes of Wisconsin, whatever the amount may be, shall hereafter be held and considered as a debt dueto them from that portion of the tribe residing in Nebraska; and until said debt shall have been extinguished the Secretary of the Interior shall cause to be deducted annually from the proportion of annuity moneys due to the Winnebagoes in Nebraska, and to be paid to the Winnebago Indians in Wisconsin, such proportion of the share of annuities belonging to the said Winnebagoes of Nebraska as he may deem right and proper: *Provided, however*, That such sum shall not be less than seven thousand dollars per annum.

Titles of Wisconsin Winnebagoes to lands inalienable and free from tax for 20 years.
18 Stat., 420.

This section to be inserted in patents under act.

SEC. 5. That the titles acquired by said Winnebagoes of Wisconsin in and to the lands heretofore or hereafter entered by them under the provisions of said act of March third, eighteen hundred and seventy-five, shall not be subject to alienation or incumbrance, either by voluntary conveyance or by the judgment, decree, or order of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty years from the date of the patent issued therefor. And this section shall be inserted in each and every patent issued under the provisions of said act or of this act,

Approved, January 18, 1881.

Mar. 3, 1881.

21 Stat., 380.

CHAP. 128.—An act to provide for the sale of the remainder of the reservation of the Confederated Otoe and Missouria Tribes of Indians, in the States of Nebraska and Kansas, and for other purposes.[a]

Lands of Confederated Oto and Missouri tribes of Indians in Kansas and Nebraska; sale of authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent[b] of the Otoe and Missouria Tribes of Indians, expressed in open council, the Secretary of the Interior is authorized to cause to be surveyed and sold the remainder of the reservation of said Indians lying in the States of Kansas and Nebraska.

Commissioners.

SEC. 2. That the lands so surveyed shall be appraised by three commissioners, one of whom shall be designated by said Indians in open council, and the other two by the Secretary of the Interior.

Survey, appraisement, and sale.

Proviso.

Terms of sale

Interest.

Proviso.

Lots exceeding 160 acres by a fraction, etc.

Proviso.

Price per acre.

SEC. 3. That after the survey and appraisement of said lands, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale through the United States public-land office at Beatrice, Nebraska, in tracts not exceeding one hundred and sixty acres, for cash, to actual settlers, or persons who shall make oath before the register or the receiver of the land-office at Beatrice, Nebraska, that they intend to occupy the land for authority to purchase which they make application, and who shall within three months from the date of such application make a permanent settlement upon the same, in tracts not exceeding one hundred and sixty acres to each purchaser: *Provided*, That, if in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent ([b]) of the Indians expressed in open council, dispose of the same upon the following terms as to payments, that is to say: One-quarter in cash, to become due and payable at the expiration of three months from the date of the filing of an application as hereinbefore required, one-quarter in one year, one-quarter in two years, and one-quarter in three years from the date of sale, with interest at the rate of five per centum per annum; but in case of default in the cash payment as hereinbefore required, the person thus defaulting shall forfeit absolutely his right to the tract for the purchase of which he has applied: *And provided further*, That whenever any person shall apply under the provisions of this act to purchase a tract containing a fractional excess over one hundred and sixty acres, if the excess is less than forty acres, is contiguous, and results from inability in the survey to make township and section lines conform to the boundary lines of the reservation, his application shall not be rejected on account of such excess; but if no other objection exists the purchase shall be allowed as in other cases: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than two dollars and fifty cents per acre.

Proceeds deposited in U. S. Treasury to credit of Indians.

To bear interest.

SEC. 4. That the proceeds of the sale of said lands shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum, which income shall be annually expended for the benefit of said Indians under direction of the Secretary of the Interior.

Provisions for removal and location on new reservations.

SEC. 5. That the Secretary of the Interior may, with the consent of the Indians, expressed in open council, secure other reservation lands ([c]) upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and advancement in civilization, not exceeding one hundred thousand dollars, including cost of surveys and expense of removal, the same to be drawn from the fund arising from the sale of their reservation lands under the act approved August fifteenth, eighteen hundred and seventy-six.

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[a] The sale of the Oto and Missouri lands in Kansas and Nebraska is provided for by the acts of June 10, 1872 (ante, p. 139), and August 15, 1876 (ante, p. 167), amended by act of March 3, 1879 (ante, p. 176.)

The time for payment under the foregoing act is extended by the acts of March 3, 1885 (23 Stat., 371), and August 2, 1886 (24 Stat., 214). A readjustment of the sales is provided by the acts of March 3, 1893 (post, p. 484), and April 4, 1900 (post, p. 698.)

Under the foregoing act the Oto and Missouri were settled in the Ponca Agency, Indian Territory, now Oklahoma. The construction of a telephone line through their reservation is authorized by the act of February 9, 1899 (post, p. 676.)

[b] Consent of Indians given May 4, 1881. (See No. 10007, 1881; appraisement reported February 28, 1883. See No. 4138.)

[c] Description of new reserve in Indian Territory. (See p. 271, Annual Report, 1882.)

Approved, March 3, 1881.

Mar. 3, 1881.

21 Stat., 414.

CHAP. 132.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section four of the act of June fourteenth, eighteen hundred and seventy-eight, heretofore paid from permanent appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter stated, namely:

* * * * * * *

INDIAN OFFICE.

* * * * * * *

[21 Stat., 422.]
Ponca tribe of Indians.

See Sioux and Ponca agreement of Aug. 20, 1881, p. xlviii, annual report 1881; also report of commission, Jan. 25, 1881, annual report for 1881, p. 217.

For the purpose of enabling the Secretary of the Interior to indemnify the Ponca tribe of Indians for losses sustained by them in consequence of their removal to the Indian Territory, to secure to them lands in severalty on either the old or new reservation, in accordance with their wishes, and to settle all matters of difference with these Indians, one hundred and sixty-five thousand dollars, to be immediately available and to be expended under the direction of the Secretary of the Interior, as follows:

Purchase of land.

For the purchase of one hundred and one thousand eight hundred and ninety-four acres of land in the Indian Territory, where most of these Indians are now located, fifty thousand dollars.

NOTE.—For description of the Ponca Reserve see page 272 of the Annual Report of 1882. Deed from Cherokees dated June 14, 1883.

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Permanent fund.

To be held as a permanent fund in the Treasury of the United States, at five per centum interest, the interest to be distributed annually among all the Ponca Indians, in cash, seventy thousand dollars.

* * * * * * *

[21 Stat., 433.]
Miami.
Census.

See note to 1872, c. 332, ante, p. 133.

Vol. 2, p. 641.

Claims under treaty, when barred.

SEC. 4. That the Secretary of the Interior shall appoint a competent and proper person to take a census and make a list of the Miami Indians residing in Indiana, or elsewhere, who are entitled to participate in the distribution of said principal sum, as provided by article four of the treaty that was made between the United States and the Miami Indians on the fifth day of June, eighteen hundred and fifty-four, as amended in the Senate. Before taking such census, publication shall be made requiring all persons claiming under said treaty to make known their claim to such person so appointed, within a time specified in the notice, and failing to do so, they shall be forever barred. When said census shall be so made, it shall be the duty of the person so appointed to make such enumeration and list to report the same to the Secretary of the Interior, distinguishing in his report between males and females, and between those over twenty-one years of age and those under twenty-one years, which list so made, when approved by the Secretary of the Interior, shall stand as the true list of the persons entitled to share in the payments provided for in this act; and each person named in said list shall be entitled to receive the same amount, irrespective of age or sex, payments for minors to be

List to distinguish males and females, and those under and over 21 years of age.

Payments, how made.

Proviso—to minors.
Enumerator to take oath.
Compensation of enumerator.
List of beneficiaries.

paid to the guardians legally appointed, as hereinafter provided, under the laws of the State or Territory in which said minors reside: *Provided, however*, That any minor who may be a resident of the Indian Territory and a beneficiary of said fund may receive his or her share thereof, as the case may be, through a guardian appointed by any court having probate jurisdiction in the State of Kansas. The person appointed to make such enumeration and list shall, before entering on such duty, take and subscribe an oath that he will make a true and correct enumeration and report of said Indians according to the best information he can obtain, said oath to be administered and certified to by a United States commissioner or a clerk of a court of record; and he shall receive as his compensation therefor the sum of five dollars per day and his actual and necessary traveling and other expenses while engaged in said duty, not to exceed four hundred dollars: *Provided*, That no persons other than those embraced in the corrected list agreed upon by the Miami Indians of Indiana, in the presence of the Commissioner of Indian Affairs, in June, eighteen hundred and fifty-four, comprising three hundred and two names as Miami Indians of Indiana, and the increase of families of persons indicated in said corrected list, shall be recipients of the money hereby appropriated.

Agent to be appointed to make payments.
Guardians of minors.
Proviso.
Bond.
Receipt for moneys, how made.
Compensation to agent.
Oath.
Agent's bond.
Receipt and discharge.

SEC. 5. That the Secretary of the Interior shall appoint some suitable person as an agent of the United States to make payment to each of said Miami Indians who shall be more than twenty-one years of age whose name shall be borne on the list prepared as aforesaid the amount that he or she, as the case may be, shall be entitled to receive; and he, in like manner, shall pay to the guardian of each minor whose name shall appear on said list the amount that said minor shall be entitled to receive: *Provided, however*, That no payment shall be made to any guardian as such until he produce and deliver to the agent from whom he shall receive such payment the certificate of the judge of the court, attested by the seal of the same, certifying that such guardian has been duly appointed and qualified as such, and given bond, secured by unincumbered freehold surety, in the penalty of not less than three times the amount he shall receive from the United States on account of the payment so to be made for the benefit of said ward, which certificate shall be filed by said agent at the time of making of his report and final settlement. A copy of said list so prepared as aforesaid shall be furnished to said agent, for his guidance in the performance of the duties aforesaid, by the Secretary of the Interior. Said agent shall take the receipt of the persons so paid attested in such manner as the Secretary of the Interior shall prescribe, which receipt shall be a voucher for said agent in the final settlement of his accounts. Said agent shall receive, in full compensation for the services required by the provisions of this act, a sum equal to three-fourths of one per centum on the amount that he shall receive. The agent so appointed to make said payment shall before entering on such duty, take and subscribe on oath, before some United States commissioners or clerk of some court of record, for the faithful performance of the duties imposed by the provisions of this act, and make and execute a bond, payable to the United States, in such penalty and with such security as the Secretary of the Interior shall require and approve. And the receipt of the sum due under this act shall be a final discharge by each party so receiving of all claims whatsoever under said treaty against the United States Government.

* * * * * * *

Approved, March 3, 1881.

CHAP. 139.—An act for the ascertainment of the amount due the Choctaw Nation.

Mar. 3, 1881.

21 Stat., 504.

Preamble.

Choctaw Nation, claim of, ascertainment of amount due.

See note to 1898, c. 517, post, p. 656.

19 Ct. Cls., 243.

Whereas, the Choctaw Nation, for itself and in behalf of individual members thereof, makes claim against the United States on account of various treaty provisions which it is alleged have not been complied with: Therefore,

Court of Claims to have jurisdiction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the Choctaw Nation, and to render judgment thereon; power is hereby granted the said court to review the entire question of differences de novo, and it shall not be estopped by any action had or award made by the Senate of the United States in pursuance of the treaty of eighteen hundred and fifty-five; and the Attorney-General is hereby directed to appear in behalf of the Government; and if said court shall decide against the United States the Attorney-General shall, within thirty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered, the said Choctaw Nation may also appeal to said Supreme Court: *Provided*, The appeal of said Choctaw Nation shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such cause precedence.

Right of appeal.

Action, how commenced.

SEC. 2. Said action shall be commenced by a petition stating the facts on which said nation claims to recover and the amount of its claim; and said petition may be verified by either of the authorized delegates of said nation as to the existence of such facts, and no other statements need be contained in said petition or verification.

Approved, March 3, 1881.

CHAP. 149.—An act to graduate the price and dispose of the residue of the Osage Indian trust and diminished-reserve lands, lying east of the sixth principal meridian, in Kansas.

Mar. 3, 1881.

21 Stat., 509.

Sale of Osage Indian trust and diminished-reserve lands, Kansas.

See note to 1872, c. 310, ante, p. 137.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the lands known as the Osage Indian trust and diminished reserve lands, lying east of the sixth principal meridian, in the State of Kansas, remaining unsold on the thirtieth day of June, anno Domini eighteen hundred and eighty-one, shall be offered for sale at public auction to the highest bidder for cash at not less than seventy-five cents per acre; and all of said lands remaining unsold on the thirtieth day of June, anno Domini eighteen hundred and eighty-two, shall be offered for sale to the highest bidder for cash, at not less than fifty cents per acre; and all of said lands remaining unsold on the thirtieth day of June, anno Domini eighteen hundred and eighty-three, shall be offered for sale to the highest bidder for cash, at not less than twenty-five cents per acre; and all of said lands remaining unsold after the last said public offering shall be subject to be disposed of by cash entry at twenty-five cents per acre, and the Secretary of the Interior may offer the same as aforesaid, in such quantities as may seem to him best; and may make all needful regulations, including the publication of notice of sale, as he may deem proper to carry out the provisions of this act: *Provided, however*, That no proceeding shall be taken under this act until at least two-thirds of the adult males of said Osage Indian tribes shall assent to the foregoing provisions.

Terms of sale.

Graduation of price of lands.

Assent of Indians required.

Approved, March 3, 1881.

NOTE.—Osage withhold assent, May 11, 1881 (see No. 8230); again, August 15, 1881 (see No. 14952); act of council confirming disapproval, October 31, 1881 (see No. 19469).

ACTS OF FORTY-SEVENTH CONGRESS—FIRST SESSION, 1882.

Mar. 31, 1882.

22 Stat., 36.

CHAP. 55.—An act to confirm certain instructions given by the Department of the Interior to the Indian agent at Green Bay Agency, in the State of Wisconsin, and to legalize the acts done and permitted by said Indian agent pursuant thereto.

Preamble.

Whereas on the twenty-eighth day of November, eighteen hundred and eighty-one, the Commissioner of Indian Affairs addressed to the Indian agent at the Green Bay Agency, in the State of Wisconsin, a letter of instructions as follows, namely:

"DEPARTMENT OF THE INTERIOR,
"OFFICE OF INDIAN AFFAIRS,
"Washington, November 28, 1881.

"E. STEPHENS, United States Indian Agent
"Green Bay Agency, Wisconsin:

"SIR: I notice in your annual report a statement that the Indians of your agency complain that they are not allowed to dispose of the dead and down timber going to waste on their reserve.

Cutting dead and down timber on Menominee Reservation, Wisconsin.

"You are hereby informed that the sale of such timber is allowed by this office; but great care must be taken by you to see that the Indians dispose of only surplus dead or down wood which without such disposition would soon become worthless, and that they do not take advantage of this permission to cut other timber, in violation of section two hundred and sixty-two, 'Instructions to Indian Agents.'

"Personal oversight should be exercised by you of the bargains and sales made by Indians under this authority, and that they should understand that a failure to observe the restrictions of this permission will result in a forfeiture of the permit

"Yours respectfully

"H. PRICE,
"Commissioner"; and

Whereas, under the authority supposed to be conferred by the said letter of instructions, said Indian agent permitted the Indians upon the reservations under the charge of the said agency to proceed to cut into logs a considerable quantity of timber of the kind designated in said letter of instructions, in which work they are now engaged; and

Whereas the authority of said Commissioner to authorize such sale, disposal, cutting, or removal of such timber has been called in question: Therefore,

Indian agent, Green Bay Agency, Wisconsin, instructions to, by Commissioner of Indian Affairs, legalized.

See note to 1874, c. 146, ante, p. 153.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the instructions of said Commissioner of Indian Affairs contained in the above recited letter to the said Indian agent at the Green Bay Agency, in the State of Wisconsin, be, and the same are hereby, ratified and confirmed, and all acts done or permitted by said agent in pursuance thereof are hereby legalized and declared valid; and the disposal of all timber cut or prepared for market, or which may be cut or prepared for market during the logging season of the present year, is hereby authorized in conformity with said instructions; and the logs or timber so cut shall be subject to all remedies which are provided by the laws of the State of Wisconsin to enforce liens upon logs or timber.

Rights of the State preserved.

Approved, March 31, 1882.

Apr. 11, 1882.

22 Stat., 42.

CHAP. 74.—An act to accept and ratify the agreement ([a]) submitted by the Crow Indians of Montana for the sale of a portion of their reservation in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same. ([b])

Preamble.

Whereas certain individual Indians and heads of families representing a majority of all the adult male members of the Crow tribe of Indians occupying or interested in the Crow Reservation in the Territory of Montana have agreed upon, executed, and submitted to the Secretary of the Interior an agreement for the sale to the United States of a portion of their said reservation, and for their settlement upon lands in severalty, and for other purposes: Therefore,

Crow Indians, Montana, agreement of, for sale of lands accepted, ratified, and confirmed.

Vol. 2, p. 1011.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is executed by a majority of all the adult male members of said tribe, in conformity with the provisions of article eleven of the treaty with the Crow Indians of May seventh, eighteen hundred and sixty-eight, and is in words and figures as follows, namely:

Boundaries of portion of reservation agreed upon for sale.

"We, the undersigned individual Indians and heads of families of the Crow tribe of Indians now residing upon the Crow Reservation in the Territory of Montana, do, this twelfth day of June, anno Domini eighteen hundred and eighty, hereby agree to dispose of and sell to the Government of the United States, for certain considerations to be hereinafter mentioned, all that part of the present Crow Reservation in the Territory of Montana described as follows, to wit: Beginning in the mid-channel of the Yellowstone River at a point opposite the mouth of Boulder Creek; thence up the mid-channel of said river to the point where it crosses the southern boundary of Montana Territory, being the forty-fifth degree of north latitude; thence east along said parallel of latitude to a point where said parallel crosses Clarke's Fork; thence north to a point six miles south of the first standard parallel, being on the township-line between townships six and seven south; thence west on said township-line to the one hundred and tenth meridian of longitude; thence north along said meridian to a point either west or east of the source of the eastern branch of Boulder Creek; thence down said eastern branch to Boulder Creek; thence down Boulder Creek to the place of beginning; for the following considerations:

Condition of sale.

Allotment of lands in severalty.

"First. That the Government of the United States cause the agricultural lands remaining in our reservation to be properly surveyed and divided among us in severalty, in the proportions hereinafter mentioned, and to issue patents to us respectively therefor, so soon as the necessary laws are passed by Congress. Allotments in severalty of said surveyed lands shall be made as follows:

"To each head of a family not more than one quarter-section, with an additional quantity of grazing land not exceeding one quarter-section.

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[a] The agreement of May 14, 1880 (see p. 277 of annual report for 1880), signed at Washington, D. C., was not ratified by the Crow Nation of Indians, and this agreement was substituted therefor.

[b] Subsequent acts ratifying agreements with the Crow Indians are those of July 10, 1882, chapter 284 (post, p. 201), and March 3, 1891, chapter 543, section 31 (post, p. 432), modified by the act of 1892, ch. 164, post, p. 448. By the act of July 13, 1892, chapter 164 (post, p. 447), allotments under the latter act, are not to conflict with prior valid claims of settlers. Relative to the allotments upon the Crow Reservation, see the Report of the Commissioner of Indian Affairs for 1901, page 53.

By the act of March 2, 1895, chapter 188 (post, p. 565), settlers on the Crow Reservation are authorized to file suits for damages in the Court of Claims.

The act of March 1, 1899, chapter 324 (post, p. 687), authorizes the use of annuity money for the completion of the irrigation system.

The distribution of the "common herd" of cattle (see act of March 3, 1891, supra), and of money arising from sales of stock is directed by the act of May 27, 1902, chapter 888 (post, p. 754).

Railroads.—The following special acts authorize the construction of railroads through the Crow Reservation: March 3, 1887, chapter 366 (post, p. 254); June 4, 1888, chapter 344 (post, p. 277); February 12, 1889, chapter 134 (post, p. 309); and March 1, 1893, chapter 192 (post, p. 479).

"To each single person over eighteen years of age not more than one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

"To each orphan child under eighteen years of age not more than one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; and

"To each other person under eighteen years, or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.

Title inalienable for twenty-five years.

Patent.

"All allotments to be made with the advice of our agent, or such other person as the Secretary of the Interior may designate for that purpose upon our selection, heads of families selecting for their minor children, and the agent making the allotment for each orphan child. The title to be acquired by us, and by all members of the Crow tribe of Indians, shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or his heirs or by the judgment, order, or decree of any court, nor subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction, which shall be incorporated in each patent.

Annuity for twenty-five years.

"Second. That in consideration of the session of territory to be made by us as individual Indians and heads of families of the Crow tribe to the Government of the United States, said Government of the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, hereby agrees to appropriate annually, for twenty-five years, the sum of thirty thousand dollars, to be expended, under the direction of the President, for our benefit, in assisting us to erect houses, to procure seeds, farming implements, and stock, or in cash, as the President may direct.

Driving or grazing cattle on reservation.

"Third. That if at any time hereafter we, as a tribe, shall consent to permit cattle to be driven across our reservation or grazed thereon, the Secretary of the Interior shall fix the amount to be paid by parties so desiring to drive or graze cattle; all moneys arising from this source to be paid to us under such rules and regulations as the Secretary of the Interior may prescribe.

Vol. 2, p. 1008.

"Fourth. That all the existing provisions of May seventh, eighteen hundred and sixty-eight, shall continue in force.

"Done at Crow Agency, Montana Territory, this twelfth day of June, anno Domini eighteen hundred and eighty."

Secretary of Interior to carry provisions of act into effect.

Approval of allotments.

Patents to issue.

Sec. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed a sufficient quantity of land on the Crow Reservation to secure the settlement in severalty of said Indians as provided in said agreement, and upon the completion of said survey he shall cause allotments of land to be made to each and all of the Indians of said Crow tribe in quantity and character as mentioned and set forth in the agreement above named, and upon the approval of said allotments by the Secretary of the Interior he shall cause patents to issue to each and every allottee for the lands so allotted, with the same considerations, restrictions, and limitations mentioned therein as are provided in said agreement.

Appropriations.

Sec. 3. That for the purpose of carrying the provisions of this act into effect the following sums, or so much thereof as may be necessary, be, and they are hereby, set aside, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior as follows, namely:

Expense of survey.

For the expense of the survey of the lands as provided in the second section of this act, the sum of fifteen thousand dollars.

For the first of twenty-five installments, as provided in said agreement, to be used by the Secretary of the Interior in such manner as the President may direct, the sum of thirty thousand dollars.

Approved, April 11, 1882.

May 15, 1882.

22 Stat., 63.

CHAP. 144.—An act to provide for the sale of the lands of the Miami Indians in Kansas.

Lands of Miami Indians, Kansas.

See note to 1872, c. 282, ante p. 133.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unallotted lands of the Miami Indians in Kansas, including the school-sections, shall be disposed of in the following manner, to wit:

Sale.

Settlers entitled to purchase 160 acres.

That each bona fide settler occupying any portion of said lands at the date of the passage of this act, and having made valuable improvements thereon, or the heirs-at-law of such, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled at any time within one year from the passage of this act to purchase the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, according to the Government survey, at the appraised value thereof, as heretofore ascertained by the Secretary of the Interior, in accordance with the provisions of the act of March third, eighteen hundred and seventy-three, under such rules and regulations as the Secretary of the Interior may prescribe. And such persons who are entitled to purchase said lands as aforesaid shall be permitted to make payment therefor in cash or in three equal annual installments, the first installment to be payable on the day of the entry of the land, and the remaining two installments annually thereafter, with interest at the rate of six per centum per annum from the date of entry.

Payments.

SEC. 2. [*Repeal and substitute, post, p. 198.*]

Proceeds of sales, how disposed of.

SEC. 3. That the net proceeds of the sales of said lands, after defraying the expenses of the sale, shall belong to said Miami Indians, and shall be disposed of as now provided by law.

Rights of individual Miamies preserved.

Vol. 2, p. 641.

Opinion of Attorney-General to be obtained as to rights and interests of certain Miami.

SEC. 4. That the provisions of this act shall not in any way affect the rights or claims of those individual Miamies, or persons of Miami blood or descent, who are named in the corrected list referred to in the Senate amendment to the fourth article of the treaty of June fifth, eighteen hundred and fifty-four, or their descendants. And before the proceeds which have been, or may be hereafter, realized from the sale of said lands shall be applied for any purpose, or distributed, the Secretary of the Interior shall obtain the opinion of the Attorney-General as to what rights or interests, if any, said persons have or had in and to said lands, and if in his opinion they are or were entitled to have parcels of said lands allotted to them under the provisions of said treaty, and failed to receive the same, then said Secretary of the Interior is hereby authorized and directed to pay to each of said persons out of the proceeds of the sale of said lands as aforesaid, a sum equal to the value of two hundred acres of said lands as appraised for the purpose of making said sale, for and in lieu of their interest in said lands, and that of the surplus of said proceeds which may then remain, if any, that they receive their pro rata share thereof the same as other members of said late tribe of Miami Indians.

Approved, May 15, 1882.

May 17, 1882.

22 Stat., 68.

Chap. 163.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes.

Appropriations. Indian service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with the various Indian tribes, namely:

* * * * * * *

[22 Stat., 85.] Industrial schools to be established in—Indian Territory.

Land reserved for "Chilockey" school. 1883, c. 61, 22 Stat., 448.

Proviso.

And the Secretary of the Interior is hereby authorized to cause to be constructed, at a point in the Indian Territory adjacent to the southern boundary of the State of Kansas and near to the Ponca and Pawnee reservations, and upon a section of land [a] suitable in quality and location for the industrial purposes of said school, which section of land is hereby reserved for said purpose, a building suitable in size and convenience for the instruction and care of one hundred and fifty Indian children, and shall cause to be instructed therein, in the English language and in industrial pursuits, the children of such of the Indian tribes located in the Indian Territory as are least provided for under existing treaties or laws; and for this purpose there is hereby appropriated the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to be immediately available: *Provided*, That not exceeding fifteen thousand dollars of this sum shall be expended in the erection, completion, and furnishing of said building.

Dakota Territory—land reserved for school in.

Location may be at old Pawnee school building, on Pawnee reservation, Nebr.

Proviso.

And the Secretary of the Interior is hereby further authorized to cause to be constructed, at some suitable point on the Sioux reservation, in Dakota Territory, and upon a section of land suitable in quality and location for the industrial purposes of said school, which section of land is hereby reserved for said purpose, a building suitable in size and convenience for the instruction and care of one hundred and fifty Indian children, and shall cause to be instructed therein, in the English language and in industrial pursuits, the children of the Indian tribes located on said reservation, or in his discretion the Secretary of the Interior may establish said school in the school building now standing on the Pawnee reservation, in State of Nebraska; and for this purpose there is hereby appropriated the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to be immediately available: *Provided*, That if the Secretary of the Interior shall not establish said school in the buildings on the late Pawnee reservation, that not exceeding fifteen thousand dollars of this sum shall be expended in the erection, completion, and furnishing of said building.

* * * * * * *

Approved, May 17, 1882.

June 27, 1882.

22 Stat., 116.

Chap. 246.—An act to amend section two of an act entitled "An act to provide for the sale of the lands of the Miami Indians in Kansas," approved May fifteenth, eighteen hundred and eighty-two.

Act for the sale of lands of Miami Indians, Kansas, amended by extending time of purchase to one year. 1882, c. 144, ante, p. 197.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of an act entitled "An act to provide for the sale of the lands of the Miami Indians in Kansas," approved May fifteenth, eighteen hundred and eighty-two, be, and the same hereby is amended so as to read as follows, viz:

"Sec. 2.—That all lands not purchased by said settlers at the expiration of one year from the date of this act, together with all the unoccupied and unallotted lands of the Miami Indians, shall be offered at public sale in the usual manner, under the direction of the Secretary of the Interior, at not less than the appraised value,[a] notice of said sale to be given by public advertisement of not less than sixty days in three newspapers having general circulation in the State of Kansas; and any tract or tracts not then sold, together with such as may be hereafter purchased by said settlers but wherein default may be made in the payment of any portion of the purchase money, or the interest thereon, as herein provided, shall be thereafter subject to private entry at the appraised value of the same."

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[a] Buildings erected on section 15, township 29 north, range 2 east, Indian meridian.

Approved, June 27, 1882.

CHAP. 268.—An act to accept and ratify an agreement with the Shoshone and Bannock Indians for the sale of a portion of their reservation in Idaho Territory required for the use of the Utah and Northern Railroad, and to make the necessary appropriation for carrying out the same.

July 3, 1882.

22 Stat., 148.

Acceptance and ratification of agreement with Shoshoni and Bannock Indians for sale of portion of reservation in Idaho to Utah and Northern Railroad Company.

See note to 1874, c. 2, ante, p. 153.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made by Joseph K. McCammon, Assistant Attorney-General, on behalf of the United States, with the Shoshone and Bannock Indians resident on the Fort Hall Reservation, in the Territory of Idaho, be, and the same is hereby ratified and confirmed, subject, nevertheless, to the conditions hereinafter mentioned. Said agreement is executed by a majority of all the adult male Indians of the Shoshone and Bannock tribes occupying or interested in the lands therein more particularly described, in conformity with the provisions contained in article eleven of the treaty with said Indians of July third, eighteen hundred and sixty-eight, and is in the words following, namely:

Vol. 2, p. 1022.

Preamble.

"This agreement, made this eighteenth day of July, eighteen hundred and eighty-one, between the Shoshone and Bannock Indians resident on the Fort Hall Reservation in the Territory of Idaho, represented by their chiefs and head men and heads of a majority of families, and being a majority of all the adult male Indians occupying or interested in the lands hereinafter described, of the one part, and the United States of America, represented by Joseph K. McCammon, Assistant Attorney-General, of the other part.

"Whereas the Utah and Northern Railroad Company has applied for permission to construct a line of railroad from east to west through the Fort Hall Reservation, and the said Indians have consented thereto, and for that purpose have agreed, for the consideration hereinafter mentioned, to surrender to the United States their title to so much of land comprised in said reservation as may be necessary for the legitimate and practical uses of said road:

Agreement.

"Now this agreement witnesseth that, for the consideration hereinafter mentioned, the said Shoshone and Bannock Indians do hereby cede to the United States all that part of the present Fort Hall Reservation, in the Territory of Idaho, described as follows, namely:

Description of land ceded for right of way to Utah and Northern Railroad.

"A strip of land not exceeding one hundred feet in width (except at Pocatello Station, where it is two hundred feet) as will appear on maps hereto annexed, commencing on the eastern boundary of said reservation, striking the south bank of Port Neuf River, and thence following down Port Neuf Valley, sometimes on the south side and sometimes on the north side of said Port Neuf River, until it reaches the Utah and Northern Railroad, already constructed at a point about five miles east of Port Neuf Station, on said road, a distance of about thirty-six miles, more or less; thence following said Utah and Northern Railroad already constructed, a distance of ten and seventy-three hundredths miles, to a point on said road about six miles west of said Port Neuf

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[a] Appraisement of Miami Lands. (See annual report for 1877, p. 235.)

Area ceded for right of way, 670 acres.

Station, on said road; thence leaving said road already constructed and proceeding northwestward along the Port Neuf River aforesaid, a distance of eight miles, more or less; thence deflecting from said river westward and continuing to the west boundary line of said Fort Hall Indian Reservation, a distance of about nineteen miles, more or less, from the Utah and Northern Railroad, as shown upon the map or plan thereof hereto attached, marked A; the same being intended to be hereafter used by the said Utah and Northern Railroad Company, its successors or assigns, as a right of way and road bed, and containing by actual survey six hundred and seventy acres or thereabouts.

Lands for depots, stations, etc., 102 acres.

"Also the several pieces or parcels of land situate along and adjoining the said strip of land hereinbefore described as defined in the several plats or maps thereof also hereto attached and marked, respectively, B, C, D, and so forth, the same being intended to be used by the said Utah and Northern Railroad Company, its successors or assigns, for depots, stations, sidings, and so forth, and containing in the whole, by actual survey, one hundred and two acres, more or less.

Consideration.

"In consideration of such cession the United States agrees to pay to the Shoshone and Bannock Indians the sum of six thousand dollars, being at and about the rate of seven and seventy-seven hundredths dollars per acre for the lands so ceded, to be deposited in the United States Treasury to the credit of said Indians upon ratification hereof by Congress and necessary appropriation therefor, and to bear interest at five per centum per annum; the same to be in addition to any and all sums to which the above-named Indians are now entitled by treaty.

Interest.

Ratification.

"All provisions of existing treaties not affected by this agreement to remain in full force and effect, and this agreement to be subject to ratification by Congress.

"Executed at the Fort Hall Agency, Idaho, the day and year first aforesaid."

Appropriation.

SEC. 2.—That for the purpose of carrying the provisions of this act into effect the sum of six thousand dollars is hereby set aside, out of any moneys in the United States Treasury not otherwise appropriated, to be deposited in the United States Treasury to the credit of the Shoshone and Bannock Indians, and to bear interest at five per centum per annum, such interest to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct.

Interest.

Right of way.

SEC. 3.—That the right of way over the land relinquished by said agreement to the United States for the construction of said Utah and Northern Railroad, and the use of the several parcels of land so relinquished intended to be used for depots, stations, sidings, and so forth, for said railroad, are hereby granted to said Utah and Northern Railroad Company, its successors and assigns, for the uses and purposes in said agreement set forth; but the land or any part thereof, relinquished to the United States by said agreement shall not be used for said railroad purposes by or for the Utah and Northern Railroad Company, its successors or assigns, except upon the condition precedent that the said company, its successors or assigns, shall, within ninety days from the taking effect of this act, pay to the Treasurer of the United States said sum of six thousand dollars hereby appropriated to be paid by the United States for the lands relinquished to the United States by said agreement, and shall within the same time, file with the Secretary of the Interior its written acceptance of the conditions of this section. Nor shall said land, or any part thereof, be continued to be used for railroad purposes by or for said Utah and Northern Railroad Company, its successors or assigns, except upon the further condition that said company its successors or assigns, will pay any and all damages which the United States or said Indians, individually or in the tribal capacity, or any other Indians lawfully occupying said reservation, may sustain by reason or on account of the act or acts of said company, its successors or assigns, its agents or employees, or on account of fires originat-

Payment within ninety days.

Payment for damages.

ing by or in the construction or operation of such railroad, the damages in all cases to be recovered in any court of the Territory of Idaho having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That the said United States attorney may accept such sum of money in satisfaction of any such injury or damages as in his discretion may be just; and if so accepted before suit or action is commenced, no suit or action shall be instituted, and if accepted after commencement of suit or action, the same shall be dismissed at the cost of said company, its successors or assigns.

Proviso.

Moneys accepted or recovered to be covered into Treasury; if for damages to be placed to credit of Shoshoni and Bannock Indians; exception.

SEC. 4.—That all moneys accepted or recovered under the provision of section three of this act shall be covered into the Treasury of the United States, and if accepted or recovered on account of damages sustained by said Indians as aforesaid, they shall be placed to the credit of said Indians in their tribal names, to be expended by the Secretary of the Interior, for the benefit of said Indians, in such manner as he may deem for their best interest, except in the case of an individual Indian, when the amount covered into the Treasury shall be expended for his sole benefit.

Approved, July 3, 1882.

July 10, 1882.

22 Stat., 157.

CHAP. 284.—An act to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same.

Acceptance and ratification of agreement with Crow Indians for sale of portion of reservation in Montana to the United States, for use of Northern Pacific Railroad.

See note to 1882, c. 74, ante, p. 196.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made between the United States of America, represented by Llewellyn A. Luce, William H. Walker, and Charles A. Maxwell, special agents duly appointed in that behalf by the Secretary of the Interior, of the one part, and the Crow tribe of Indians resident on the Crow Reservation in the Territory of Montana, acting under the supervision and with the approval of the Secretary of the Interior, of the other part, be, and the same is hereby, ratified and confirmed. Said agreement is executed by a majority of all the adult male Indians of the Crow tribe occupying or interested in the lands therein more particularly described, in conformity with the provisions contained in article eleven of the treaty with the Crow Indians of May seventh, eighteen hundred and sixty-eight, and is in the words following, namely:

Vol. 2, p. 1011.

Preamble.
13 Stat., 365.

"Whereas by section one of an act of Congress approved July second, eighteen hundred and sixty-four, entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route (thirteenth Statutes at Large, page three hundred and sixty-five), the Northern Pacific Railroad Company was authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely: Beginning at a point on Lake Superior in the State of Minnesota or Wisconsin, thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude, to some point on Puget Sound; and

"Whereas by section two of said act Congress granted to said company the right of way for the construction of said railroad and telegraph line to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station-buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations; and

"Whereas by said section two Congress provided that the United States should extinguish as rapidly as may be consistent with public policy and the welfare of the Indians the Indian titles to all lands falling under the operation of this act and acquired in the donation to the road named in the act; and

Vol. 2, p. 1008.

"Whereas by treaty between the United States and the Crow Indians concluded at Fort Laramie, May seventh, eighteen hundred and sixty-eight, and duly ratified and proclaimed (fifteenth Statutes at Large, page six hundred and forty-nine), a district of country in the Territory of Montana was set apart as a reservation for the absolute and undisturbed use and occupation of said Indians; and

"Whereas there is no provision or stipulation in said treaty authorizing said company or recognizing its right to construct its road through said reservation; and

"Whereas the said company did, on the twenty-fifth day of June, eighteen hundred and eighty-one, file in the Department of the Interior a map showing the definite location of its line of railroad from the one hundred and seventh degree of longitude west from Greenwich westwardly through said reservation and adjacent territory to the western boundary of the said reserve, as provided by said act of eighteen hundred and sixty-four, the company having first obtained the permission of the Secretary of the Interior to survey its line in said reservation; and

"Whereas the said company desires to construct its line of railroad upon such designated route, and claims the right by virtue of said act so to do:

Agreement

"Now, therefore, in order to fulfill the obligations of the Government in the premises, this agreement, made this twenty-second day of August anno Domini eghteen hundred and eighty-one, between the Crow tribe of Indians resident on the Crow Reservation, in the Territory of Montana, represented by their chiefs, headmen, and heads of a majority of families, and being a majority of all the adult male Indians occupying or interested in the lands hereinafter described, the said Indians acting under the supervision and with the approval of the Secretary of the Interior of the United States, of the one part, and the United States of America, represented by Llewellyn A. Luce, William H. Walker, and Charles A. Maxwell, special agents duly appointed in this behalf by the Secretary of the Interior, of the other part, witnesseth. That for the consideration hereinafter mentioned the Crow tribe of Indians do hereby surrender and relinquish to the United States all their right, title and interest in and to all that part of the Crow Reservation situate in the Territory of Montana and described as follows, namely:

Description of land relinquished for right of way; area 5,384 acres.

"A strip of land not exceeding four hundred feet in width, that is to say, two hundred feet on each side of the line laid down on the map of definite location hereinbefore mentioned, wherever said line runs through said reservation between the one hundred and seventh degree of longitude west of Greenwich on the east and the mid-channel of the Big Boulder River on the west, containing five thousand three hundred and eighty-four acres, more or less. An official copy of said map of definite location was, on this twenty-second day of August, anno Domini eighteen hundred and eighty-one, produced before said special agents and the Indians in council, was fully explained to said Indians, and is hereunto attached, marked A, and made a part of this agreement. Also the several parcels of land situate along and adjoining the said strip of land hereinbefore mentioned between the one hundred and seventh degree of longitude west of Greenwich on the east and the mid-channel of the Big Boulder River on the west, as defined and described on a map produced before said agents and the Indians in council on the day and date above mentioned, and fully explained to and understood by said Indians; said tracts being designated on the aforesaid map by the letters A, B, C, D, E, F, G, H, I, J, and K, and containing, respectively the following area, that is to say: Tract A, twenty-six and twenty-three hundredths acres; tract B, twenty-eight and fifty-four hundredths acres; tract C, twenty-six and twenty-three hundredths acres; tract E, twenty-six and twenty-three hundredths acres; tract F, twenty-six and twenty-three hundredths acres; tract G, twenty-six and twenty-three hundredths acres; tract H, twenty-six and twenty-three hundredths acres; tract I, twenty-six and twenty-three hundredths acres; tract J, twenty-eight and thirty-two hundredths acres; tract K, twenty-six and twenty-three hundredths acres, aggregating two hundred and sixty-six acres more or less, said map being hereunto attached, marked B, and made a part of this agreement; which last mentioned tracts are intended for the use of the Northern Pacific Railroad Company for station-houses, depots, switches, and so forth. It is further stipulated and agreed that the United States will not permit the said railroad company, its employees or agents, to trespass upon any part of the lands of the Crow Indian Reservation not hereby relinquished, nor permit said company, its employees or agents, to cut any timber, wood, or hay from the lands embraced in the reservation.

Trespass.

"And it is further stipulated and agreed that the Secretary of the Interior, upon such terms as he may see fit to impose, may permit to be constructed, maintained, and used within said Crow Indian Reservation wagon roads not exceeding three in number, in addition to any established wagon roads which may now be in use therein; the said three roads to connect with the line of said railroad at such points as the Secretary of the Interior may designate; all of which wagon roads shall be under the control of the Government of the United States.

Wagon roads.

"In consideration for the lands hereby relinquished, amounting in the aggregate to five thousand six hundred and fifty acres, more or less, and for the privileges herein granted, the United States stipulates and agrees to pay to the Crow tribe of Indians the sum of twenty-five thousand dollars, to be deposited in the Treasury of the United States to the credit of the said tribe of Indians upon the ratification of this agreement by Congress, and the necessary appropriation made therefor, the sum aforesaid to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct; the same to be in addition to any and all moneys to which the said Indians are entitled under the provisions of the treaty of May seventh, eighteen hundred and sixty-eight, hereinbefore mentioned.

Payment to Crows.

Vol. 2, p. 1008.

"All provisions of existing treaties with the Crow Indians not affected by this agreement are to remain in full force and effect, and this agreement is to be subject to ratification by Congress.

"Executed at Crow Agency, in the Territory of Montana, this twenty-second day of August, anno Domini eighteen hundred and eighty-one, as witness the following signatures."

SEC. 2. That for the purpose of carrying the provisions of this act into effect the sum of twenty-five thousand dollars is hereby set aside, out of any moneys in the United States Treasury not otherwise appropriated, to be deposited in the United States Treasury to the credit of the Crow tribe of Indians, and to be expended for the benefit of the said Indians in such manner as the Secretary of the Interior may direct.

Appropriation.

SEC. 3. That the right of way over the land relinquished by said agreement to the United States for the construction of said Northern Pacific Railroad, and the use of the several parcels of land so relinquished intended to be used for depots, stations, sidings, and so forth, for said railroad, are hereby granted to said Northern Pacific Railroad Company, its successors and assigns, for the uses and purposes in said agreement set forth; but the land, or any part

Right of way.

Payment to the United States.

Acceptance filed with Secretary of Interior.

Damages.

Proviso.

thereof, relinquished to the United States by said agreement shall not be used for railroad purposes by or for the said Northern Pacific Railroad Company, its successors or assigns, except upon the condition precedent that the said company, its successors or assigns, shall, within sixty days from the taking effect of this act, pay to the Treasurer of the United States said sum of twenty-five thousand dollars hereby appropriated to be paid by the United States for the lands relinquished to the United States by said agreement, and shall within the same time file with the Secretary of the Interior its written acceptance of the conditions of this section; nor shall said land, or any part thereof, be continued to be used for railroad purposes by or for said Northern Pacific Railroad Company, its successors or assigns, except upon the further condition that said company, its successors or assigns, will pay any and all damages which the United States or said Indians, individually or in their tribal capacity, or any other Indians lawfully occupying said reservation, may sustain by reason or on account of the act or acts of said company, its successors or assigns, its agents or employees, or on account of fires originating by or in the construction or operation of said railroad, the damages in all cases to be recovered in any court of the Territory of Montana having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That the said United States attorney may accept such sum of money in satisfaction of any such injury or damages as in his discretion may be just; and if so accepted before suit or action is commenced, no suit or action shall be instituted, and if accepted after commencement of suit or action, the same shall be dismissed at the cost of said company, its successors or assigns.

Moneys accepted or recovered to be covered into Treasury; if for damages, credited to Crow Indians.

Exceptions.

SEC. 4. That all moneys accepted or recovered under the provisions of section three of this act shall be covered into the Treasury of the United States, and if accepted or recovered on account of damages sustained by said Indians as aforesaid, they shall be placed to the credit of said Indians in their tribal-names, to be expended by the Secretary of the Interior for the benefit of said Indians in such manner as he may deem for their best interest, except in the case of an individual Indian, when the amount covered into the Treasury shall be expended for his sole benefit.

Approved, July 10, 1882.

July 28, 1882.

22 Stat., 177.

CHAP. 356.—An act to provide for the sale of certain Kickapoo Indian lands in Kansas.

Sale of Kickapoo Indian lands, Kansas.

See note to 1898, c. 203, post, p. 480.

Vol. 2, p. 838.

Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to cause to be appraised* and sold, by cash, to the highest bidder, after due advertisement in tracts not exceeding one hundred and sixty acres to any one person, the following-described tracts of land in the State of Kansas, reserved, in accordance with the provisions of the amended eleventh article of the treaty made June twenty-eighth, eighteen hundred and sixty-two, by and between the United States and the Kickapoo tribe of Indians, for mill-site and missionary and agency purposes, namely: The south half of section four, township five, range sixteen, and the north half of section nine, township five, range sixteen, for mill-site purposes; the south half of section thirty-three, township four, range seventeen, reserved for mission purposes: lots five, six, and seven, section three, township five, range seventeen, and lot six, section fifteen, township five, range seventeen, reserved for agency purposes: *Provided*, That no tract shall be sold for less than the appraised value thereof, and in no case for less than six dollars per acre.

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*Appraisement made July 6, 1883 (see No. 12565), and approved by the Secretary of the Interior July 19, 1883 (see No. 13228).

Proviso.

Disposition of proceeds of sale.

SEC. 2. That the net proceeds of the sale of said lands, after deducting therefrom the expense incident to said appraisement and sale, shall be deposited in the United States Treasury to the credit of the Kickapoo tribe of Indians, and shall bear interest at the rate of four per centum per annum; and the Secretary of the Interior is authorized to expend the interest annually accumulating thereon, and all or any part of the principal fund, at such time and in such manner as he may deem for the best interests of said Indians: *Provided*, That if the Secretary of the Interior shall direct the payment of said principal sum in installments, the unpaid portion thereof shall continue to draw interest until paid.

Proviso.

Patents to be issued to purchasers.

SEC. 3. That the Secretary of the Interior shall cause patents in fee-simple to be issued to the purchasers of the lands sold under the provisions of this act in the same manner as patents are issued for the public lands.

Approved July 28, 1882.

July 28, 1882.

22 Stat., 178.

CHAP. 357.—An act relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

Land in Colorado lately occupied by the Uncompahgre and White River Ute Indians declared public land, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of that portion of the Ute Indian Reservation in the State of Colorado lately occupied by the Uncompahgre and White River Utes be, and the same is hereby, declared to be public land of the United States, and subject to disposal from and after the passage of this act, in accordance with the provisions and under the restrictions and limitations of section three of the act of Congress approved June fifteenth, eighteen hundred and eighty, chapter two hundred and twenty-three, except as hereinafter provided, under regulations to be prescribed by the Secretary of the interior in accordance with the provisions of this act.

1880, c. 223, ante, p. 180.

Boundary line, etc., to be established.

SEC. 2. That the Secretary of the Interior shall, at the earliest practicable day, ascertain and establish the line[a] between the land mentioned in section one of this act and that now or lately occupied by the Southern Utes in said State; and for that purpose there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of five hundred dollars.

Appropriation.

Prior entries, settlements, etc., to date from time they were made, respectively.

SEC. 3. That all entries, settlements, or locations heretofore made, under any law of the United States, by duly-qualified persons, upon a strip of land extending northerly and southerly, not exceeding ten miles in width, within that part of the Ute Indian Reservation in the State of Colorado lately occupied by the Uncompahgre and White River Ute Indians, and bounded on the east by the one hundred and seventh meridian of longitude west from Greenwich, shall legally date from the time they were respectively made; and the rights of said persons shall be in all respects the same as if the lands had been legally subject to their claims when the same were initiated: *Provided, however*, That if homestead entries have been made on said strip, the lands so entered shall be paid for in cash, after proof which would be satisfactory under the pre-emption laws: *And provided further*, That none of said lands shall be disposed of for any consideration other than cash, nor for a less price than one dollar and twenty-five cents per acre.

Provisos.

Approved, July 28, 1882.

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[a] For description of line see Annual Report of the General Land Office for 1882, p. 41.

Aug. 2, 1882.

22 Stat., 181.

Chap. 371.—An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the St. Louis and San Francisco Railway Company, and for other purposes.

Right of way for railroad and telegraph line through lands of Choctaw and Chickasaw Nations of Indians granted to Saint Louis and San Francisco Railway Company.

See note to 1898, c. 517, post, p. 656.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way is hereby granted to the Saint Louis and San Francisco Railway Company, a corporation duly organized under the laws of the State of Missouri, for the construction of a railroad and telegraph line, said right of way to be one hundred and fifty feet in width through that part of the lands of the Choctaw and Chickasaw Nations occupied by the Choctaws, and three hundred feet in width at each station for a distance of four thousand feet in length; said right of way to commence at any point to be selected by said company on the line of the Choctaw Nation immediately contiguous to Sebastian or Scott Counties, in the State of Arkansas, and run thence in a southwesterly direction on the most direct and practicable route through the lands of the said Choctaw and Chickasaw Nations in the direction of Paris, in the State of Texas; said road to continue to or to connect with a proposed road from the city of Paris aforesaid.

Conditions of acceptance.

Sec. 2. That the said Saint Louis and San Francisco Railway Company shall accept this right of way upon express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Choctaws or Chickasaws in their lands, and will not attempt to secure from the Choctaw or Chickasaw Nation any further grant of land, or its occupancy, than is hereinbefore provided:

Proviso.

Provided, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Payment for damages, etc.

Sec. 3. That the said railway company shall pay for all property injured or destroyed by said company, and for all material taken and used in the construction, operation, or repairs of said road and telegraph line, and shall take no such material except under contract with the proper authorities of the Choctaw or Chickasaw Nation, and according to the laws thereof:

Proviso.

Provided, that before the construction of said road through any lands held by individual occupants according to the laws, customs, and usages of said nations, full compensation shall be made to such occupants for all property to be taken or damages to them by reason of the construction of the said road and telegraph line.

Referees to determine, etc., upon failure to make amicable settlements.

In case of failure to make amicable settlements in any case, either national or individual, such compensation shall be determined by appraisement of three disinterested referees, one to be named by the Commissioner of Indian Affairs, one by the principal chief of said nation claiming damages or to which the persons claiming damages belong, and one by said company. This provision shall also apply to all cases of injury to persons or property occasioned by the construction or operation of said road and telegraph line after the construction thereof shall have been commenced.

Compensation.

Said arbitrators shall receive not exceeding four dollars per day for each, with mileage not exceeding six cents per mile, and witnesses shall receive the usual fees allowed by the courts of said nations.

Costs.

Costs shall be made a part of the award, and be paid by the losing party.

Penalty for failure to pay award for damages, etc.

In case of failure to pay such award, the Secretary of the Interior shall be, and is hereby, authorized to forbid the further passage of trains, or the use of said right of way, and to remove the agents and employees of said company from the limits of said nations, as intruders under the intercourse laws of the United States, until such time as payment shall be made by said company.

Legal remedies.

And in addition to the foregoing the injured parties shall have the right of recourse to all legal remedies that may be applicable in like cases in the judicial tribunals; and consent is hereby given that the civil jurisdiction of the district court of the United States for the western district of Arkansas, and such other courts as may be established by authority of the United States, shall be extended within the territory and limits of the Choctaw and Chickasaw Nations, without distinction as to citizenship of the parties, so far as may be necessary for the enforcement of the provisions of this act.

Payments to be made by grantee; to be used for benefit of schools.

Proviso.

Proviso.

Right of United States to impose taxes reserved.

SEC. 4. That for and in consideration of the uses and grants aforesaid the said railway company shall pay quarter-annually to the national treasurers of said nations every year during the existence of the rights and privileges granted to said company by this act, to be used for the benefit of schools therein, the sum of seven hundred and fifty dollars, one-fourth of said payments to be paid to the Chickasaws and three-fourths to be paid to the Choctaws; and until the first of such payments be made, no right or power to enter upon said lands, except for the purpose of surveying and locating its line of road and telegraph, shall be acquired under the provisions of this act: *Provided*, That if the general councils of the Choctaw and Chickasaw Nations, or either of them, shall within sixty days after the passage of this act, by resolution duly adopted, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then the compensation to be paid for the use and grants in this act made for such dissenting tribe shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupants of lands, except that one of said appraisers shall be appointed by the council of the dissenting tribe; and the award made shall be paid as under the penalties provided for in said section three: *And provided*, That nothing in this act shall be construed to prohibit Congress from imposing such taxes as it may deem just and proper upon the railroad hereby authorized for the benefit of the Choctaw and Chickasaw Indians so long as they shall occupy and possess the territory or to prohibit any State or States which may hereafter be formed out of said territory from imposing taxes upon said road.

Limit of time for acceptance of grant, and also for determining route of road.

Definite location of line of road.

SEC. 5. That within ninety days from the passage of this act the said company shall accept the provisions of this act, and within thirty days thereafter the said company shall fix and determine the general route of its line of road in accordance with this act by filing with the Secretary of the Interior a map of preliminary survey, and by filing copies thereof in the offices of the principal chiefs of said nations respectively; and thereafter no claim for a subsequent settlement and improvement along such line within seventy-five feet on either side thereof shall be valid as against the said right of way; and within one year from the date of the acceptance of this act by said company as herein provided, the said company shall file with the Secretary of the Interior a map showing the definite location of its line of roads and telegraph as designated in the first section of this act and shall complete the said road and telegraph through the lands of said nations within the further period of one year.

Settlements on right of way by noncitizens prohibited; exceptions.

Proviso.

SEC. 6. That the said right of way shall not be settled upon, by authority of said railway company, by non-citizens of said nations, except such employees of said company as are necessary to the successful operation of said railway and telegraph line, and their families: *Provided*, That only agents, operators, employees, and sectionmen shall be exempt by reason of such employment from payment of permits, as required of other non-citizens of said nations.

Rates of fare and freight.

SEC. 7. That no greater rates of fare or freight shall be charged in the Choctaw and Chickasaw Nation, by said railway company, than the lowest rate authorized by law in the States of Arkansas and Texas, or either of them, for services or business of the same kind; and said

Special billing of freight.

railway company agree to convey all passengers and to accept and transport all freight that may be offered, and to bill any freight which may be offered for shipment from points on said line by persons lawfully residing or doing business in the Choctaw or Chickasaw Nation to Chicago, with the privilege of stopping said freight at Saint Louis, by the shipper, on the same terms as if the bills had been made for Saint Louis in the first instance.

Tracks, sidings, etc.

Rental to be paid by other users of road.

Operating and all other expenses based on wheelage of trains.

Individual companies to pay damages caused by operating, etc.

Disagreement as to damages determined by arbitration.

Proviso.

SEC. 8. That said company shall provide a sufficient number of tracks to do the business that may be offered, and shall permit any railroad company to have the rights of user of its main tracks and sidings by the payment of a fixed charge as rental therefor. The maintenance of superstructure, tracks, depots, and other buildings and appurtenances, and of stations and operating expenses, and such other expenses as may be imposed by law, shall be based upon the wheelage of such trains as may run over said road, each company paying such proportion as its wheelage shall bear to the total wheelage passing over said road. The rental shall be a fixed charge in addition to maintenance of road, and shall be determined by mutual agreement, or, in case of disagreement, by arbitrators, each party choosing one such arbitrator, the third to be chosen by the others appointed, whose decision upon all points respecting such rental shall be final. Each company enjoying the right of user as aforesaid shall pay for any and all damages to the property of the nation or individuals caused by the running of its own trains to the company owning the franchise hereby granted whenever such company has been required to pay the same under the provisions of this act. If said companies shall disagree as to damages aforesaid, all disagreement shall be settled and determined between them by arbitration, as provided in case of rental: *Provided*, That all trains running over said railroad shall be under the exclusive control of the company owning and operating said railroad.

Bond.

Renewable every five years.

SEC. 9. That the said railroad company shall execute a bond to the United States, to be filed with and approved by the Secretary of the Interior, in the penal sum of five hundred thousand dollars, for the use and benefit of the Choctaw and Chickasaw Nations, to cover any and all damages which may accrue by reason of the failure of said railway company to comply with all or any of the provisions and conditions of this act. Said bond shall be good and valid against said company, its successors and assigns, and shall be renewed at the expiration of every five years, and whenever, in the judgment of the Secretary of the Interior, a renewal of the same shall be deemed necessary for the protection of the interests of the Indians or of the United States.

Grantee failing to accept conditions or to comply with provisions of this act.

Secretary of Interior to declare rights of company void.

Chicago, Texas and Mexican Railway Company to succeed to rights, etc., of the act on complying with terms, etc.

SEC. 10. That if within ninety days after the passage of this act the company aforesaid shall fail to accept the conditions herein specified by a resolution of its board of directors, certified to and filed with the Secretary of the Interior, or shall fail within one year from the filing of the acceptance of its charter to file its map of definite location in accordance with this act with the Secretary of the Interior, or shall fail to construct its road within the time and as hereinbefore provided, then all the rights of said company under this act shall thereupon cease and determine, and the Secretary of the Interior shall so declare; and thereupon the Secretary of the Interior shall give a consent in writing to the Chicago, Texas and Mexican Central Railway Company, a corporation duly organized under the laws of the State of Texas, which shall succeed to all the rights, privileges, immunities, duties, and obligations hereby conferred by this act upon the Saint Louis and San Francisco Railway Company, to the same extent as if said successor had been the grantee first herein named, upon filing with the Secretary of the Interior its acceptance of the provisions of this act within ninety days from the date of the expiration of the period herein granted to the Saint Louis and San Francisco Railway Company and upon filing bond as prescribed in the ninth section of this act to comply with the provisions of this act, and

Franchise given to company first obtaining approval of President of the United States, when.

upon filing with the Secretary of the Interior within twelve months its map of definite location in accordance with this act, and within twelve months thereafter completing said road. And in the event of the failure of the Chicago, Texas and Mexican Central Railway Company to file its acceptance of the provisions of this act within the time hereinbefore specified, and thereafter to file its map of definite location in accordance with the provisions of this act and to complete said road within the time herein granted then the privileges herein granted to said Saint Louis and San Francisco Railway Company shall apply to any other incorporated company that shall have first obtained the approval of the President of the United States: *Provided*, That the said successor shall thereafter have the same time to perform in all respects the several acts and things herein enjoined to be done as is by this act given to the original grantee including the definite location in accordance with this act and the filing of bond as herein required: *And provided further*, That any railroad company enjoying the rights conferred by this act shall construct and maintain continually all road and highway crossings, and necessary bridges, over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Proviso.

This act may be altered, etc.
1886, c. 397, post, p. 285.

SEC. 11. Congress may at any time amend, add to, alter, or repeal this act.

Approved, August 2, 1882.

Aug. 5, 1882.
22 Stats., 257.

CHAP. 390.—An Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section four of the act of June fourteenth, eighteen hundred and seventy-eight, heretofore paid from permanent appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

[22 Stat., 267.]
Expenses of sales of Osage lands, etc., how paid.

That all expenses incident to the disposition of Osage trust and diminished-reserve lands and Osage ceded lands in Kansas shall be paid by the receivers of public moneys out of the sums realized from the sales thereof, under the direction of the Secretary of the Interior; and all sums heretofore paid on account of the disposition of said lands shall be reimbursed the several appropriations out of which the same may have been paid, from the proceeds of the sale of said Osage trust and diminished-reserve lands and Osage ceded lands.

See note to 1872, ch. 310, ante, p. 127.

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Approved, August 5, 1882.

Aug. 5, 1882.
22 Stats., 297.

CHAP. 392.—An Act authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian Reservation, and for other purposes.[a]

Sale of land on Umatilla Indian Reservation near Pendleton, Oreg.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed and laid out into lots and blocks so much of the Umatilla Indian Reser-

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[a] Allotments in severalty on the Umatilla reservation are provided for by the act of March 3, 1885, chapter 319 (post p. 224), amended by the act of June 29, 1888, chapter 503 (post p. 286). The sale of unsold portions of the reservations is provided for in the act of July 1, 1902, chapter 1380 (post p. 798).

Rights of way through the Umatilla Reservation are authorized by the following acts: October 17, 1888, chapter 1186 (post p. 297); February 10, 1891, chapter 129 (post p. 387), as amended by February 9, 1894, chapter 26 (post p. 509); and January 12, 1893, chapter 32 (post p. 457).

Not exceeding 640 acres.

Survey.

Appraisement.

vation, in the State of Oregon, lying and being contiguous to or in the vicinity of the town of Pendleton, as may be necessary to allow said town proper and needful extension and growth, not exceeding six hundred and forty acres. That the lands so authorized to be laid out into town-lots shall, in the plan and survey thereof, correspond as near as may be to the plans and survey of the said town of Pendleton, as laid out and established. That at the time of the said survey the Secretary of the Interior shall cause the said lots and blocks to be appraised by three disinterested persons, to be appointed by him, who, after taking and subscribing an oath before the county clerk of Umatilla County, Oregon, to faithfully and impartially perform their duty as appraisers of said lots and blocks under the provisions of this act, which oath shall be returned with their appraisement, (a) shall go in person upon the ground and determine the value of each lot and parcel thereof; making lists thereof particularly describing each lot, block, and parcel, with the appraised value thereof, as by them determined; which said list shall be verified by the affidavit of at least two of said appraisers, made before the said clerk of Umatilla County, Oregon, to the effect that said list is a correct list of the said lots, blocks, and parcels appraised by them, and that the appraisements thereof are the true value of each parcel appraised, and that the same were determined by them after due and full inspection of each and every parcel thereof.

Sale at public auction, after advertisement, to highest bidder.

Payments.

Land not sold at public sale etc., subject to private entry.

Failure to make payment.

Proviso

Title to certain lands confirmed to heirs, etc., of Moses E. Goodwin, conditionally.

Conditions of confirmation of title.

SEC. 2. That upon the return of said survey and the appraisement of said lands, if the same shall be approved, (b) the Secretary of the Interior shall cause said lands to be offered for sale at public auction at the door of the court-house in the town of Pendleton, which sale shall be advertised, for at least thirty days, in such manner as the said Secretary shall direct. The said sale shall be open, public, and to the highest bidder, and shall continue from day to day until all of the said lands shall have been sold or offered for sale. The said lands shall be offered in single lots and parcels, and no bid shall be received for any lot or parcel less than the appraised value of the same. Payment shall be made as follows: One-third at the time of sale, one-third in one year, and one-third in two years; but no patent shall issue until full payment shall have been made. All lots, blocks, and parcels of said lands not sold at said public sale shall thereafter be subject to private entry at the appraised value thereof. Upon a failure of any purchaser to make any of the deferred payments upon any lot or parcel of said land sold at public auction, for a period of thirty days after demand, the same shall be subject to private entry as unsold lots or parcels, and all payments made thereon shall be forfeited to the fund for the use and benefit of said Indians as hereinafter provided: *Provided*, That the title to so much of said lands as is covered by a patent issued by the United States to Moses E. Goodwin, on the twentieth day of August, eighteen hundred and sixty-nine, for the north half of the northeast quarter of section ten, the southwest quarter of the southwest quarter of section two, and the northwest quarter of the northwest quarter of section eleven, township two north, range thirty-two east of the Willamette meridian, be, and the same is hereby confirmed to the heirs and legal representatives of the said Moses E. Goodwin, now deceased, and to their assigns, upon compliance with the following condition and not otherwise: The heirs and legal representatives of the said Moses E. Goodwin, or their assigns, shall pay for the use of said Indians the value of the said lands at the time of Goodwin's settlement thereon; which value[c] shall be determined by the persons who shall be appointed

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[a] Appraisement made October 11, 1883 (see No. 19510).

[b] Approved by the Secretary of the Interior December 22, 1883 (see No. 23363).

[c] Valuation of Goodwin claim made December 11, 1883 (see No. 22850).

to appraise the lots and blocks by this act authorized to be laid out and appraised; and the said appraisers shall certify and return their action in this respect in the same manner and at the same time as they do their action in respect of the lands laid out into town lots: *And provided further*, That any right heretofore acquired by the Oregon Railway and Navigation Company for right of way for a line of railway and to lands for use and occupancy by said company for station or depot purposes, shall not be affected by this act.

Rights of Oregon Railway and Navigation Company not affected.

Proceeds of sale; disposition of.

Interest.

SEC. 3. That the funds arising from the sale of said lands, after deducting the expenses of the survey, appraisement and sale of the same, shall be deposited in the Treasury of the United States to the credit of the Indians belonging on said reservation, and shall bear five per centum per annum interest; and the Secretary of the Interior shall expend, from time to time, for the benefit and support of an industrial school for said Indians on said reservation, so much of the principal and accrued interest thereon as he shall see fit.

Secretary of Interior to make rules, etc.

Compensation of appraisers and surveyors.

SEC. 4. That the Secretary of the Interior shall make all needful rules and regulations requisite to carry this act into effect, shall determine the compensation to be allowed the appraisers for their services in appraising said lands, and also the compensation of the surveyor for his services in laying out said lands into town lots.

Consent of Indians to be obtained, etc.

SEC. 5. That before the Secretary of the Interior shall execute any part of the provisions of this act he shall obtain the full and free consent[a] of the Indians upon the said reservation to the sale and disposition of the said lands in the manner and for the purposes in this act provided.

Appropriation.

SEC. 6. That the sum of fifteen hundred dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect, which said sum, or so much thereof as may be expended, shall be reimbursed to the Treasury out of the sales of said lands.

Boundary line of reservation.

SEC. 7. That the Interior lines of the land by this act authorized to be laid out in town lots and separating the same from the lands of said reservation shall from the date of the approval of said survey by the Secretary of the Interior, be and constitute the line of said reservation between the same and the town of Pendleton.

Approved August 5, 1882.

Aug. 5, 1882.

22 Stat., 299.

CHAP. 394.—An act granting the right of way to the Arizona Southern Railroad Company through the Papago Indian Reservation, in Arizona.

Right of way to Arizona Southern Railroad Company through Papago Indian Reservation, Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way not exceeding two hundred feet in width through the Papago Indian Reservation, in the Territory of Arizona, shall be, and is hereby, granted to the Arizona Southern Railroad Company, a corporation duly organized under the laws of the Territory of Arizona, according to the plans of route and survey of the said company now on file in the Department of the Interior, which said plans of route and survey have been approved by the Secretary of the Interior, except as to that portion running through said reservation: *Provided*, That the consent[a] of the Indians occupying said reservation be first obtained, and such compensation as may be fixed by the Secretary of the Interior be paid to him by the said railroad company, to be expended by him for the benefit of the said Indians.

Proviso.
Consent of Indians and money paid.

SEC. 2. That whenever said right of way shall cease to be used for the purposes of the said railroad company, the same shall revert to the United States.

Approved, August 5, 1882.

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[a] Consent given Oct. 5, 1882 (see No. 20517).

Aug. 7, 1882.

22 Stat., 341.

Chap. 434.—An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes.[a]

Sale of portion of reservation of Omaha Indians in Nebraska.

Survey and sale with consent of Indians, etc.

1888, ch. 255, post p. 270; 69 Fed. Rep., 886; 95 Fed. Rep., 148.

To be appraised in tracts of 40 acres by commissioners, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent of the Omaha tribe of Indians, expressed in open council,[b] the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold, all that portion of their reservation in the State of Nebraska lying west of the right of way granted by said Indians to the Sioux City and Nebraska Railroad Company under the agreement of April nineteenth, eighteen hundred and eighty, approved by the Acting Secretary of the Interior, July twenty-seventh, eighteen hundred and eighty. The said lands shall be appraised, in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Omaha tribe of Indians, and the other two shall be appointed by the Secretary of the Interior.

Unallotted lands opened up for settlement by proclamation, etc.

Rights of settlers, etc., to purchase.

Proviso.

Terms of payment.

Forfeiture in case of default, etc.

Proviso.

Purchase not to be rejected on account of fractional excess, etc.

Land to be sold at appraised value, etc.

Sec. 2. That after the survey and appraisement[c] of said lands the Secretary of the Interior shall be, and he hereby is, authorized to issue proclamation to the effect that unallotted lands are open for settlement under such rules and regulations as he may prescribe. That at any time within one year after the date of such proclamation, each bona fide settler, occupying any portion of said lands, and having made valuable improvements thereon, or the heirs-at-law of such settler, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled to purchase, for cash, through the United States public land office at Neligh, Nebraska, the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, according to the survey and appraised value of said lands as provided for in section one of this act: *Provided*, That the Secretary of the Interior may dispose of the same upon the following terms as to payments, that is to say, one-third of the price of said land to become due and payable one year from the date of entry, one-third in two years, and one-third in three years, from said date, with interest at the rate of five per centum per annum; but in case of default in either of said payments the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased and any payment or payments he might have made: *And provided further*, That whenever any person shall under the provisions of this act settle upon a tract containing a fractional excess over one hundred and sixty acres, if the excess is less than forty acres, is contiguous, and results from inability in survey to make township and section lines conform to the boundary lines of the reservation, his purchase shall not be rejected on account of such excess, but shall be allowed as in other cases: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case for less than two dollars and fifty cents per acre: *And provided further*, That all land in township twenty-four, range seven east, remaining unallotted on the first day of June, eighteen hundred and eighty-five, shall be appraised and sold as other lands under the provisions of this act.

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[a] The sale of the western portion of the Omaha Reservation was authorized by the acts of June 10, 1872 (ante, p. 138), and June 22, 1874 (ante, p. 153).

The above act is amended by the following acts: March 3, 1885 (post, p. 231); August 2, 1886 (24 Stat., 214); May 15, 1888 (post, p. 270); August 19, 1890 (post, p. 363); March 3, 1893 (post, p. 486); August 11, 1894 (28 Stat., 276), and May 27, 1902 (post, p. 754).

The act of August 27, 1894 (post, p. 551), provided for patenting certain land to the Presbyterian Church for school purposes.

Railroads through the reservation are authorized by the following special acts: June 27, 1894 (post, p. 513), amended by February 6, 1897 (post, p. 616); March 28, 1898 (post, p. 634), amended by April 30, 1902 (post, p. 749), and February 28, 1899 (post, p. 682).

Proceeds placed in Treasury United States to credit of Indians, bearing interest, etc.

SEC. 3. That the proceeds of such sale, after paying all expenses incident to and necessary for carrying out the provisions of this act, including such clerk hire as the Secretary of the Interior may deem necessary, shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

Patents, when to issue.

Proviso.
Indian rights in severalty under existing treaties preserved.

SEC. 4. That when purchasers of said lands shall have complied with the provisions of this act as to payment, improvement, and so forth, proof thereof shall be received by the local land office at Neligh, Nebraska, and patents shall be issued as in the case of public lands offered for settlement under the homestead and pre-emption acts: *Provided*, That any right in severalty acquired by any Indian under existing treaties shall not be affected by this act.

Allotment in severalty, etc.

Distribution.

To be in lieu of former allotments.
Vol. 2, p. 872.

Proviso.
Indians holding certificate, etc., shall have a preference, etc.

Proviso.
How selections shall be made.

Certificate, when null and void.

SEC. 5. That with the consent[a] of said Indians as aforesaid the Secretary of the Interior be, and he is hereby, authorized, either through the agent of said tribe or such other person as he may designate, to allot the lands lying east of the right of way granted to the Sioux City and Nebraska Railroad Company, under the agreement of April nineteenth, eighteen hundred and eighty, approved by the Acting Secretary of the Interior July twenty-seventh, eighteen hundred and eighty, in severalty to the Indians of said tribe in quantity as follows: To each head of a family, one-quarter of a section; to each single person over eighteen years of age, one-eighth of a section; to each orphan child under eighteen years of age, one-eighth of a section; and to each other person under eighteen years of age, one-sixteenth of a section; which allotments shall be deemed and held to be in lieu of the allotments or assignments provided for in the fourth article of the treaty with the Omahas, concluded March sixth, eighteen hundred and sixty-five, and for which, for the most part, certificates in the names of individual Indians to whom tracts have been assigned, have been issued by the Commissioner of Indian Affairs, as in said article provided: *Provided*, That any Indian to whom a tract of land has been assigned and certificate issued, or who was entitled to receive the same, under the provisions of said fourth article, and who has made valuable improvements thereon, and any Indian who being entitled to an assignment and certificate under said article, has settled and made valuable improvements upon a tract assigned to any Indian who has never occupied or improved such tract, shall have a preference right to select the tract upon which his improvements are situated, for allotment under the provisions of this section: *Provided further*, That all allotments made under the provisions of this section shall be selected by the Indians, heads of families selecting for the minor children, and the agent shall select for each orphan child; after which the certificates issued by the Commissioner of Indian Affairs as aforesaid shall be deemed and held to be null and void.

Patents for allotted lands to issue upon approval, etc.; lands to be held by United States in trust for twenty-five years, etc.

Nebraska laws of descent to govern, etc.

SEC. 6. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indians to whom such allotment shall have been made, or in case of his decease, of his heirs according to the laws of the State of Nebraska, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs as aforesaid, in fee discharged of said

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[a] Consent of Omaha given May 5, 1883. (See No. 8596.)

[b] Appraisement made October 11, 1883 (see No. 19722), and approved by the Secretary of the Interior, November 20, 1883 (see No. 21354).

Conveyance or contract null and void, if, etc.

Proviso.

After patents are issued and delivered, Nebraska laws of descent are in force.

trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the law of descent and partition in force in the said State shall apply thereto after patents therefor have been executed and delivered.

Indians subject to laws, civil and criminal, of Nebraska; when.

SEC. 7. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of said tribe of Indians shall have the benefit of and be subject to the laws, both civil and criminal, of the State of Nebraska; and said State shall not pass or enforce any law denying any Indian of said tribe the equal protection of the law.

Residue of lands, etc., patented to Omaha, and held in trust, etc.

Restriction in patent.

Allotment of land made to each Omaha child born during and prior to expiration of time of trust, etc.

Restriction in patent.

Patents, when issued, to override a former patent.

Indians may make selection of allotments west of railroads.

SEC. 8. That the residue of lands lying east of the said right of way of the Sioux City and Nebraska Railroad, after all allotments have been made, as in the fifth section of this act provided, shall be patented to the said Omaha tribe of Indians, which patent shall be of the legal effect and declare that the United States does and will hold the land thus patented for the period of twenty-five years in trust for the sole use and benefit of the said Omaha tribe of Indians, and that at the expiration of said period the United States will convey the same by patent to said Omaha tribe of Indians, in fee discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That from the residue of lands thus patented to the tribe in common, allotments shall be made and patented to each Omaha child who may be born prior to the expiration of the time during which it is provided that said lands shall be held in trust by the United States, in quantity and upon the same conditions, restrictions, and limitations as are provided in section 6 of this act, touching patents to allottees therein mentioned. But such conditions, restrictions, and limitations shall not extend beyond the expiration of the time expressed in the patent herein authorized to be issued to the tribe in common: *And provided further*, That these patents, when issued, shall override the patent authorized to be issued to the tribe as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in the patent issued to the tribe: *Provided*, That said Indians or any part of them may, if they shall so elect, select the land which shall be allotted to them in severalty in any part of said reservation either east or west of said right of way mentioned in the first section of this act.

Commissioners to receive compensation, etc.

SEC. 9. That the commissioners to be appointed by the Secretary of the Interior under the provisions of this act shall receive compensation for their services at the rate of five dollars for each day actually engaged in the duties herein designated, in addition to the amount paid by them for actual traveling and other necessary expenses.

Fees to register and receiver.

SEC. 10. That in addition to the purchase, each purchaser of said Omaha Indian lands shall pay two dollars, the same to be retained by the receiver and register of the land office at Neligh, Nebraska, as their fees for services rendered.

Approved, August 7, 1882.

Aug. 7, 1882.

22 Stat., 349.

CHAP. 446.—An act for the manufacture of salt in the Indian Territory.

Manufacture of salt in Indian Territory on lands of Cherokee Nation.

Lease of salt deposits.

See act May 11, 1872, and note, ante, p. 121.

See act Mar. 1, 1901, Post, p. 727.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legislative council of the Cherokee Nation may execute a lease of the salines or salt deposits on the plains, not to exceed three in number, located on the lands of the Cherokee Nation lying west of the ninety-sixth degree of longitude in the Indian Territory, and so much land connected therewith as may be necessary for the working of the same, for a period of not exceeding twenty years, with right of a highway for ingress and egress, to be reserved for such purpose and to facilitate the manufacture of salt, and the conditions of which lease shall insure the payment to the Cherokee national authorities of a royalty of not less than one dollar per ton; said lease being subject to such conditions and to the proper jurisdiction of the Cherokee national legislature, and said lease and conditions subject to the approval of the Secretary of the Interior: *Provided*, That the proceeds of such royalty from the manufacture of salt shall be an addition to the educational fund of said nation: *And provided further*, That said salines shall continue subject to any rights of the United States under sections fifteen and sixteen of the treaty of July nineteenth, eighteen hundred and sixty-six, with the Cherokee Indians; and said lease or leases shall be liable to revocation by the legislative council of the Cherokee Nation and the Secretary of the Interior for the non-performance of any of said conditions.

Royalty per ton.

Provisos.
Proceeds added to educational fund, etc.

Vol. 2, p. 942.

Approved, August 7, 1882.

ACTS OF FORTY-SEVENTH CONGRESS—SECOND SESSION, 1883.

Mar. 1, 1883.
22 Stat., 432.

CHAP. 59.—An act to authorize the Seneca Nation of Indians, of the State of New York, to grant title to lands for cemetery purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Seneca Nation of Indians, of the State of New York, in the manner provided by their constitution, to quitclaim to the Wildwood Cemetery Association of the village of Salamanca and State of New York, duly organized under the laws of said State, not to exceed thirty acres of land within said village of Salamanca, as defined in accordance with the provisions of the act of Congress approved February nineteenth, eighteen hundred and seventy-five, for cemetery purposes: *Provided*, That a suitable plot of land within said Wildwood Cemetery be set aside for interment of Indians resident on the Alleg[h]any Reservation.

Grant of title to lands by Seneca Nation of Indians, of New York, for cemetery purposes.
See note to 1875, c. 90, ante, p. 155.

Proviso.

Approved, March 1, 1883.

Mar. 1, 1883.
22 Stat., 433.

CHAP. 61.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

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SIOUX OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA.

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[22 Stat., 444.]
Patents to Santee Sioux Indians authorized by treaty.
Vol. 2, p. 998.

That the patents authorized to be issued to certain individual Indians by the concluding paragraph of article six of the treaty with the Sioux Indians, proclaimed, the twenty-fourth day of February, eighteen hundred and sixty-nine shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs, according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs as

Laws of descent.

aforesaid in fee discharged of said trust and free of all charge or incumbrance whatsoever, and no contract by any such Indian creating any charge or incumbrance thereon or liability of said land for payment thereof shall be valid.

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[22 Stat., 449.] Appropriation to enable the Secretary of the Interior to execute Ute agreement, etc.

See 1880, c. 223, ante, p. 180, and note to 1874, c. 136, ante, p. 151.

For the purpose of enabling the Secretary of the Interior to continue to carry out the provisions of the act of June fifteenth, eighteen hundred and eighty, "ratifying the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same" five thousand dollars, or so much thereof as may be necessary, to be taken from moneys appropriated by said act and remaining unexpended; and the commission appointed under said act, and known as the Ute Commission, is hereby abolished to take effect March fifteenth eighteen hundred and eighty three, And the Secretary of the Interior, with the consent of the Ute Indians, may instead of paying to said Indians the fifty thousand dollars provided by the agreement incorporated in the above named act in cash, per capita, pay the same in stock, or such other property as the Secretary of the Interior and said Indians may agree upon,

Ute Commission abolished.

Stock in lieu of money.

* * * * * * *

Approved, March 1, 1883.

Mar. 3, 1883.

22 Stat., 582.

CHAP. 141.—An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section four of the act of June fourteenth, eighteen hundred and seventy-eight, heretofore paid from permanent appropriations, and for other purposes.

Deficiency appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter stated, namely:

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INTERIOR DEPARTMENT.

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INDIAN AFFAIRS.

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[22 Stat. 585.] Eastern Band of Cherokee Indians authorised to bring suit, etc., in Court of Claims against the United States.

See also Feb. 25, 1889, post p. 316; Oct. 1, 1890, post p. 372; July 6, 1892, post p. 446; Mar. 2, 1895, post p. 556; June 28, 1898, sec. 25, ante, p. 100.

The Eastern Band of Cherokee Indians is hereby authorized to institute a suit in the Court of Claims against the United States to determine the rights of the said band in and to the moneys, stocks and bonds, held by the United States in trust for the Cherokee Indians, arising out of the sales of lands lying west of the Mississippi River, and also in a certain other fund, commonly called the permanent annuity fund, to which suit the Cherokee Nation, commonly called the Cherokee Nation West, shall be made a party defendant. The said Eastern Band shall within three months after the passage of this act file a petition in said court, verified by the principal chief of said band, setting forth the facts upon which said claim is based. The said Cherokee Nation West shall within six months after the passage of this act file its answer to said petition and said cause shall proceed to final determination pursuant to the practice in said court, and such rules or orders as the court may make in that behalf.

Interior Department records may be filed.

The Secretary of the Interior shall transmit to said court, for the consideration of said court, copies duly certified of all records, papers, and other documents on file in the Department of the Interior which he may deem necessary to said cause or which may be requested by either of the parties hereinbefore referred to, and the said parties respectively may take and submit to said court such additional competent testimony as they may desire. And jurisdiction is hereby conferred upon said court to hear and determine what, if any, interest, legal or equitable, the said Eastern Band has in said moneys, stocks, bonds so held in trust by the United States, and shall enter a decree specifically defining the rights and interests of the said Eastern Band therein, and in any moneys hereafter to be derived from sources similar to those out of which the existing fund arose.

Payment of judgment and costs.

When the interest, if any, of the said Eastern Band has been ascertained as aforesaid, the Secretary of the Treasury shall out of the portion of the fund adjudged to said parties, respectively, pay all the proper costs and expenses of said respective parties of the proceedings herein provided for, each party, except the United States, to be liable for its own costs and expenses, and the remainder shall be placed to the credit of said Eastern Band and of the said Cherokee Nation, in accordance with their respective rights as ascertained by the said judgment and decree of said court.

Attorney-General to appear for United States.

Appeal.

In the said proceeding the Attorney General, or such of his assistants as he may designate, shall appear on behalf of the United States. Either of the parties to said cause may appeal from any judgment rendered by said Court of Claims to the Supreme Court of the United States, and the said courts shall give such cause precedence.

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Approved, March 3, 1883.

ACTS OF FORTY-EIGHTH CONGRESS—FIRST SESSION, 1884.

May 14, 1884.

23 Stat., 22.

CHAP. 50.—An act to repeal section eight of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June fifteenth, eighteen hundred and eighty.

Restoration of lands, etc., on Ute Indian reservation, Colorado, to public domain.
1880, c. 223, ante, p. 186.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June fifteenth, eighteen hundred and eighty, be, and the same is hereby, repealed; and that the lands referred to in said section are hereby restored to the public domain.

Approved, May 14, 1884.

July 4, 1884.

23 Stat., 69.

CHAP. 177.—An act to grant to the Gulf, Colorado and Santa Fe Railway Company a right of way through the Indian Territory, and for other purposes.

Right of way for railway, telegraph, and telephone lines to Colorado and Santa Fe Railway Co. through Indian Territory, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Gulf, Colorado and Santa Fe Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point to be

Route to be approved by Secretary of Interior.

selected by said railway company on Red River, north of the northern boundary of Cook County, in the State of Texas, and running thence by the most practical route through the Indian Territory to a point on the southern boundary of the State of Kansas, the line to be located in sections of twenty-five miles each and before work is begun on any section the line thereof is to be approved by the Secretary of the Interior with the right to construct, use, and maintain such tracks, turnouts, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Grant of lands for stations.

Proviso.

Proviso.

SEC. 2. That a right of way one hundred feet in width through said Indian Territory is hereby granted to the Gulf, Colorado and Santa Fe Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every ten miles of the road, no portion of which shall be sold or leased by the Company with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road bed, not exceeding one hundred feet in width on each side of said right of way or as much thereof as may be included in said cut or fill. *Provided*, That no more than said addition of land shall be taken for any one station. *Provided further*, that no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph and telephone line and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Compensation for property, etc.

Referees in case of disagreement.

Oath.

Right of appeal to the courts.

Compensation of referees.

Fees of witnesses.

Costs, etc.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants, according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees to be appointed by the President who before entering upon the duties of their appointment shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment which oath duly certified shall be returned with their award. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right within ninety days after the making of the award and notice of the same, to appeal by original petition to the courts, where the case shall be tried de novo. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs including compensation of the referees, shall be made a part of the award and be paid by such railroad company.

Freight rates.

Passenger rates.

SEC. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind, *provided* that passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State Government or Governments shall exist in said territory, within the limits of which said railway or a part thereof shall be located; and then such State Government or Governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits, by said railway, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company, whenever such transportation shall extend from one State into another, or shall extend into more than one State. *Provided however* that the rates of such transportation of passengers local or interstate shall not exceed those above expressed *and provided further*, That said Railway company shall carry the mail at such prices as congress may by law provide and until such rate is fixed by law the Postmaster General may fix the rate of compensation.

Rates for carrying U. S. mails.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of fifty dollars in addition to compensation provided for by this act for property taken or damage done by the construction of the railway for each mile of railway that it may construct in said Territory, said payments to be made in instalments of five hundred dollars as each ten miles of road is graded. Said company shall also pay, as long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; *Provided further*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements, as herein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the provisions of this section. Nothing in this act shall be construed to prohibit congress from imposing taxes upon said railway, nor any Territory or State hereafter formed, through which said railway shall have been established from exercising the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Payments per mile of railroad constructed.

Secretary of Interior to distribute proceeds, etc.

Additional taxes.

Proviso.

Compensation to occupants of lands; how paid; proviso.

Congress may impose taxes.

Right to immediate survey and location of road.

SEC. 6. That said company shall cause maps showing the general route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown

Map of route to be filed, etc.

Proviso.

Grading; when to commence.

by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void as to any occupant thereof.

Right of employees to reside on lands, etc.

SEC. 7. The officers, servants and employees of said company, necessary to the construction, operation and management of said road and telegraph and telephone lines shall be allowed to reside, while so engaged upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior, in accordance with said intercourse laws.

What courts to have concurrent jurisdiction, etc.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, the district of Kansas, and such other courts as may be authorized by Congress shall have, without reference to the amount in controversy, con-current jurisdiction over all controversies arising between said Gulf, Colorado and Santa Fe Railway Company, and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Lands forfeited, etc., for failure to build road.

Bridges and road and highway crossings.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, or this grant shall be forfeited as to that portion not built, that said railroad company shall construct and maintain continually all road and highway crossings, and necessary bridges, over said railway wherever said roads and highways do now or may hereafter cross said railways right of way, or may be by the proper authorities laid out across the same.

Conditions of acceptance of grant; proviso.

SEC. 10. That the said Gulf, Colorado and Santa Fe Railway Company shall accept this right of way upon express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided:* That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Mortgages, etc., to be recorded in Department of Interior.

SECTION 11. All mortgages executed by said Railway Company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution and shall convey all rights and property of said company as therein expressed.

SEC. 12. Congress may, at any time amend, add to alter or repeal this act.

Approved, July 4, 1884.

July 4, 1884.

23 Stat., 73.

CHAP. 179.—An act to grant the right of way through the Indian Territory to the Southern Kansas Railway Company and for other purposes.

Right of way for railway, telegraph, and telephone lines to Southern Kansas Railway Co. through Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Southern Kansas Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping,

Route.
135 U. S., 641; 144 U. S., 133; 33 Fed. Rep., 900; 40 Fed. Rep., 273.

operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on the northern line of said Territory where an extension of the Southern Kansas Railway from Winfield in a southerly direction would strike said line, running thence south in the direction of Dennison, in the State of Texas, on the most practicable route, to a point at or near where the Washita River empties into the Red River, with a branch constructed from a point at or near where said main line crosses the northern line of said Territory, westwardly along or near the northern line of said Territory, to a point at or near where Medicine Lodge Creek crosses the northern line of said Territory, and from that point in a southwesterly direction, crossing Beaver Creek at or near Camp Supply, and reaching the west line of said Indian Territory at or near where Wolf Creek crosses the same, with the right to construct, use, and maintain such tracks, turnouts and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Land grant for stations, etc.

SEC. 2. That a right of way one hundred feet in width through said Indian Territory is hereby granted for said main line and branch to the Southern Kansas Railway Company, and a strip of land two hundred feet in width with a length of three thousand feet in addition to right of way is granted for stations for every ten miles of road, no portion of which shall be sold or leased by the company with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed not exceeding one hundred feet in width on each side of said right of way or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, that no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph and telephone lines, and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Proviso.

Reversion of land, when.

Compensation to individual occupants.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the President, who, before entering upon the duties of their appointment shall take and subscribe, before competent authority, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the courts, where the case shall be tried de novo. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned, and proceed with the construction of the railroad. Each of said referees shall receive for their services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations, costs, including compensation of the referees shall be made a part of the award, and be paid by such railroad company.

Referees in cases of disagreement.

Oath.

Right of appeal to the courts.

Award, etc.

Compensation of referees.

Fees of witnesses.

Freight rates; proviso.

Passenger rates.

Right of Congress to regulate charges for transportation, etc., reserved; provisos.

Carrying of mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Kansas for services or transportation of the same kind; *Provided:* that passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory, within the limits of which said railway or a part thereof shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided however,* That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed, *And provided further,* That said railway company shall carry the mail at such prices as Congress may by law provide: and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Damages.

Apportionment of moneys, etc.

Proviso.

Additional taxes.

Proviso.

Compensation for lands, how paid.

Proviso.
Award in lieu of compensation.

Congress may impose taxes, etc.

Right to immediate survey and location.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said main line and branch may be located the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done by the construction of the railway for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided,* That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit: *Provided further,* That if the general counsel of either of the nations or tribes through whose lands said railway may be located shall within four months after the filing of maps of definite location, as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further,* That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the provisions of this section. Nothing in this act shall be construed to prohibit Congress from imposing taxes upon said railway, nor any Territory or State hereafter formed through which said railway shall have been established from exercising the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act,

Maps of route, etc., to be filed.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void and said location shall be approved by the Secretary of the Interior in sections of twenty five miles before construction of any such section shall be begun.

Subsequent claims not valid.

Proviso.
Grading, when to commence.

Approval of Secretary of Interior.

SEC. 7. The officers, servants and employes of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Right of officers, etc., to reside on lands granted.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, and the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Southern Kansas Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

What courts to have concurrent jurisdiction.

Civil jurisdiction of courts extended, etc.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, or this grant shall be forfeited as to that portion not built, that said railroad company shall construct and maintain continually all road and highway crossings, and necessary bridges, over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Lands forfeited for failure to build road.

Bridges, and road and highway crossings.

SEC. 10. That the said Southern Kansas Railway Company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Conditions of acceptance of grant.

SEC. 11. All mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Mortgages, etc., to be recorded in Interior Department.

SEC. 12. Congress may, at any time, amend, add to, alter or repeal this act.

Approved, July 4, 1884.

July 4, 1884.

23 Stat., 76.

CHAP. 180.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

Fulfilling treaties, etc., for 1885.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated,

* * * * * * *

COLUMBIAS AND COLVILLES.

[23 Stat., 79.]
Columbia and Colville.
Agreement of July 7, 1883, ratified.

For the purpose of carrying into effect the agreement[a] entered into at the city of Washington on the seventh day of July, eighteen hundred and eighty-three, between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, in Washington Territory, which agreement is hereby accepted, ratified, and confirmed, including all expenses incident thereto, eighty-five thousand dollars, or so much thereof as may be required therefor, to be immediately available: *Provided*, That Sarsopkin and the Indians now residing on said Columbia reservation shall elect within one year from the passage of this act whether they will remain upon said reservation on the terms therein stipulated or remove to the Colville reservation: *And provided further*, That in case said Indians so elect to remain on said Columbia reservation the Secretary of the Interior shall cause the quantity of land therein stipulated to be allowed them to be selected in as compact form as possible, the same when so selected to be held for the exclusive use and occupation of said Indians, and the remainder of said reservation to be thereupon restored to the public domain, and shall be disposed of to actual settlers under the homestead laws only, except such portion thereof as may properly be subject to sale under the laws relating to the entry of timber lands and of mineral lands, the entry of which shall be governed by the laws now in force concerning the entry of such lands.

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Approved, July 4, 1884.

ACTS OF FORTY-EIGHTH CONGRESS—SECOND SESSION, 1885.

Mar. 3, 1885.

23 Stat., 340.

CHAP. 319.—An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

Allotments of lands to certain Indians.
Preamble.
See note to 1882, c. 392, ante, p. 209.
Amendment, post, p. 299.

Whereas the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians, residing upon the Umatilla Reservation, in the State of Oregon, have expressed a willingness to settle upon lands in severalty on their said reservation, and to have the residue of their lands not needed for such allotment sold for their benefit: Therefore,

President to allot agricultural lands to the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians in Oregon.
Persons entitled to allotment.
1888, c. 503, s. 12, post, p. 286.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause lands to be allotted to the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians, residing upon the Umatilla Reservation, in the State of Oregon, as follows, of agricultural lands:

To each head of a family, one hundred and sixty acres; to each single person over the age of eighteen years, eighty acres; to each orphan child being under eighteen years of age, eighty acres; and to each child under eighteen years of age not otherwise provided for forty acres.

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[a] This agreement, which is not set forth in the statute, is to be found in the Annual Report of the Commissioner of Indian Affairs for 1883 at page LXX. Also in "Treaties," vol. 2, p. 1073.

Allotments; how made.

Industrial farm and school.

Appointment of commission.

Duties defined.

Commission to report to Secretary of Interior.

If selected tract be approved by Secretary of the Interior, it shall constitute the reservation of said Indians.

Survey and patents.

United States to hold land in trust for a period of twenty-five years.

Proviso.

Law of alienation and descent in Oregon to apply after execution of patents.

Proviso, as to removal to other reservations.

Allotments to heads of families and to children under eighteen years of age belonging to families shall be made upon the selections made by the head of the family; allotments to persons over eighteen years of age not classed as heads of families shall be made upon the selection of such persons; and allotments to orphans shall be made upon selections made by the agent in charge, or other person duly authorized by the Department. In addition to the allotments of agricultural lands to said Indians in severalty as herein provided, there shall be reserved a reasonable amount of pasture and timber lands for their use, to be used by said Indians in common, and there shall also be selected and set apart for an industrial farm and school six hundred and forty acres of agricultural lands. Before any allotments are made, a commission of three disinterested persons to be appointed by the President shall go upon said reservation and ascertain as near as may be the number of Indians who will remain on said reservation, and who shall be entitled to take lands in severalty thereon, and the amount of land required to make the allotments; and thereupon said commission shall determine and set apart so much of said reservation as shall be necessary to supply agricultural lands for allotments in severalty, together with sufficient pasture and timber lands for their use, and six hundred and forty acres for an industrial farm and school, not exceeding one hundred and twenty thousand acres in the aggregate for all purposes; and the same shall be in as compact a form as possible. Said commission shall report to the Secretary of the Interior the number and classes of persons entitled to allotments, as near as they may be able to, the metes and bounds of the tract by them selected for said Indians, and designate the particular tract selected for an industrial farm and school; and if the same shall be approved by the Secretary of the Interior the said tract shall thereafter constitute the reservation for said Indians, and within which the allotments herein provided for shall be made. The said tract shall be surveyed, or so much thereof as shall be required for allotments, and as soon as such surveys are approved the selections and allotments shall be made. The President shall cause patents to issue to all persons to whom allotments of lands shall be made under the provisions of this act, which shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs according to the laws of the State of Oregon, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the law of alienation and descent in force in the State of Oregon shall apply thereto after patents have been executed, except as herein otherwise provided: *Provided further*, That any Indian or Indians residing upon said reservation hereafter provided for them who may desire to remove to or settle upon any other reservation shall be permitted to do so, and shall retain their right to share their equal proportion of benefits to be derived from any fund that may arise from the sale of any of the lands of said Umatilla Reservation, and in addition the equitable value of the right to take lands in severalty on said reservation, to be determined by the Secretary of the Interior and taken out of said fund; and the same shall be expended from time to time for their benefit in establishing them in their new homes in such manner as the Department shall direct.

Lands not included in new reservation, to be resurveyed, appraised, and classified.

SEC. 2. That as soon as the report of said commission in respect to the new boundaries of said reservation shall be approved, the residue of said reservation lands not included in said new lines shall be surveyed, if not already surveyed, or if the stakes and monuments, if surveyed, Improvements to be separately appraised.

No appraisement less than $1.25 per acre.

Sale of lands.
Condition of sale.

have become so obliterated that the lines cannot be ascertained, and the same shall be appraised and classified into timbered and untimbered lands; and in case where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised, and if the same belong to an Indian, such Indian shall be reimbursed the value of such improvements, in money; but no lands shall be appraised at less than one dollar and twenty-five cents per acre. The said lands, when surveyed and appraised, shall be sold at the proper land-office of the United States, by the register thereof, at public sale, to the highest bidder, at a price not less than the appraised value thereof, such sale to be advertised in such manner as the Secretary of the Interior shall direct. Each purchaser of any of said lands at such sale shall be entitled to purchase one hundred and sixty acres of untimbered lands and an additional tract of forty acres of timbered lands, and no more. He shall pay one-third of the purchase-price of untimbered lands at the time of purchase, one-third in one year, and one-third in two years, with interest on the deferred payments at the rate of five per centum per annum, and shall pay the full purchase-price of timbered lands at the time of purchase. And where there are improvements upon the lands purchased which shall have been separately appraised, the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid.

Purchase of lands to be for use and occupation of purchaser.

Any conveyance, contract, or lien made before patent is issued to be void.

Conditions for issuing patents.

Proviso.
Persons having settled upon, or acquired title under preemption or homestead laws to fractional subdivisions of adjacent lands, to have prior right to purchase.

Proviso.
State of Oregon entitled to select U. S. public lands, in exchange.

Each purchaser shall, at the time of making his purchase, make and subscribe an oath or affirmation that he is purchasing said lands for his own use and occupation, and not for or on account of or at the solicitation of any other, and that he has made no contract whereby the title thereto shall, directly or indirectly, inure to the benefit of another. And if any conveyance is made of the lands set apart and allotted as herein provided, or any contract made touching the same, or any lien thereon created before the issuing of the patent herein provided, such conveyance, contract, or lien shall be absolutely null and void. And before a patent shall issue for untimbered lands the purchaser shall make satisfactory proof that he has resided upon the lands purchased at least one year and has reduced at least twenty-five acres to cultivation. No patent shall issue until all payment shall have been made; and on the failure of any purchaser to make any payment when the same becomes due, the Secretary of the Interior shall cause said land to be again offered at public or private sale, after notice to the delinquent; and if said land shall sell for more than the balance due thereon, the surplus, after deducting expenses, shall be paid over to the first purchaser: *Provided*, That persons who settled upon or acquired title under the pre-emption or homestead laws of the United States to fractional subdivisions of lands adjacent to the lines of said reservation, as now and heretofore existing, and at the time of the sale herein provided for are residing on such fractions, and have been unable to secure the full benefit of such laws by reason that the lands settled upon were made fractional by the boundary-line of said reservation crossing such subdivision, shall have a right, at any time after advertisement and before sale at public auction, to purchase, at their appraised value, so much of said lands as shall, with the fractional lands already settled upon, make in the aggregate one hundred and sixty acres; and no additional residence shall be required of such settler, but he shall take and subscribe the oath required of other purchasers at the time of purchase. All controversies between settlers and purchasers in respect to settlement and the right of purchase shall be heard and determined, upon their priorities and equities, by the like officers and in the same manner as like contests are heard and determined under existing pre-emption laws: *Provided also*, That the State of Oregon shall be entitled to select from the public lands of the United States in said State lands in lieu of the sixteenth and thirty-sixth sections contained in said Umatilla Res-

Proviso.
Water right granted July 17, 1870, to be continued.

Proviso.

ervation as now set apart and established: *Provided further*, That the water right across a portion of said reservation from the town of Pendleton granted by the Interior Department July seventh, eighteen hundred and seventy on the application of George A. La Dow, Lot Livermore and other citizens of Pendleton for manufacturing, irrigating and other purposes be confirmed and continued to W. S. Byers and Company their successors: *Provided*, That this act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes, nor shall confirm or grant any right to use the water thereof in any manner nor to any extent beyond or different from that to which it has been heretofore appropriated.

Funds to be deposited at interest in United States Treasury.

Twenty per cent to be used for assisting establishment of Indians and $20,000 for industrial farm and school.

Proviso.
Indians to pledge themselves that children shall attend school.

SEC. 3. That the funds arising from the sale of said reservation lands, after paying the expenses of survey, appraisement, and sale, and reimbursing any Indian or Indians for the value of any improvements belonging to such Indian or Indians, and the equitable share of any Indian to the funds arising from the sale of said reservation lands as herein provided, and reimbursing the United States for improvements made by the Government and under the provisions herein, shall be placed in the Treasury of the United States to the credit of said Indians, and the same shall draw such rate of interest as is now or may be hereafter provided by law. Twenty per centum of the principal of said funds may be used, under the direction of the President, in assisting said Indians to establish themselves upon their several allotments, in such manner as he shall direct, and twenty thousand dollars of the residue thereof shall be devoted to the establishment and support of an industrial farm and school for the training and education of the children of said Indians in the arts and methods of civilized life, and the increase from the funds thereafter to be devoted to the support of said industrial farm and school, and to such other beneficial purposes as in the judgment of the Secretary of the Interior may be for the best interest of said Indians: *Provided*, That the said Indians shall pledge themselves to compel their children, male and female, between the ages of seven and fifteen years, to attend said school.

Appropriation for carrying act into effect.

SEC. 4. That for the purpose of carrying into effect the provisions of this act the sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which said sum shall be reimbursed to the Treasury out of the sales of said lands; and ten thousand dollars of said sum so appropriated shall be expended toward establishing said industrial farm and school herein provided for.

Consent of majority of Indians to be obtained.

SEC. 5. That before this act shall be executed in any part, the consent of said Indians shall be obtained to the disposition of their lands as provided herein, which consent shall be expressed in writing, and signed by a majority of the male adults upon said reservation, and by a majority of their chiefs in council assembled for that purpose and shall be filed with the Secretary of the Interior.

Secretary of Interior to make rules, determine disputes between Indians, and fix compensation of commissioners.

SEC. 6. That the Secretary of the Interior shall have power to make needful rules and regulations to carry into effect the provisions of this act, and shall have power to determine all disputes and questions arising between Indians respecting their allotments, and shall fix the compensation to be allowed to the commissioners provided for in section two.

Approved, March 3, 1885.

Mar. 3, 1885.

23 Stat., 344.

CHAP. 320.—An act to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to June first, eighteen hundred and sixty-one, and prior to the massacre of August, eighteen hundred and sixty-two, and providing for the payment thereof.

Settlement of claims of Indian traders.

Secretary of Interior to investigate and determine claims of licensed Indian traders under contracts, or accounts, for supplies to Sioux and Dakota Indians in 1861 and 1862.

Extension of act of 1863, c. 37, 12 Stat., 652.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to investigate and determine the amounts due licensed traders, citizens of the United States, for supplies furnished, in the course of trade and business, to the Sioux or Dakota Indians of Minnesota subsequent to June first, eighteen hundred and sixty-one, and prior to the outbreak and massacre by said Indians in August, eighteen hundred and sixty-two, and for which damages were not awarded by the commissioners appointed under the act entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians", approved February sixteenth, eighteen hundred and sixty-three, for the reason that said act limited the action of said commissioners to claims arising from depredations, and did not authorize them to act upon claims arising upon contract or upon accounts for supplies furnished; and the said claims, when ascertained, shall be paid by the Secretary of the Interior out of the money hereby appropriated.

Appropriation.

SEC. 2. That for the purpose of enabling the Secretary of the Interior to carry out the provisions of the foregoing section the sum of one hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated:

Proviso.

Provided, however. That said sum shall be charged to the unpaid annuities stipulated to be paid to the said Sioux Indians under treaties, but abrogated and annulled by the act approved February sixteenth, eighteen hundred and sixty-three.

Approved, March 3, 1885.

Mar. 3, 1885.

23 Stat., 351.

CHAP. 337.—An act to provide for the sale of the Sac and Fox and Iowa Indian Reservations, in the States of Nebraska and Kansas, and for other purposes.[a]

Sale of Sauk and Fox and Iowa Indian reservations in Nebraska and Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent of a majority of the chiefs, headmen, and male adults of the Sac and Fox (of

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[a] Section 3 of the above act was repealed and a substitute therefor provided by the act of January 26, 1887 (post, p. 245). Other acts affecting the reservation of the Sacs and Foxes of the Missouri in Kansas and Nebraska are June 10, 1872 (ante, p. 138), and August 15, 1876 (ante, p. 167), as amended by March 3, 1879 (ante, p. 178), providing for the sale of parts of said reservation.

By the act of August 15, 1894 (post, p. 521), the general allotment act (ante, p. 33,) was extended to the Sacs and Foxes of the Missouri.

By the act of April 18, 1896, the construction of a railroad through the reservation was authorized.

The act of February 28, 1891 (26 Stat., 696), afterwards repealed by March 2, 1895 (28 Stat., 902), provided that allotments and payments should only be made to members of the tribe duly enrolled prior to January 1, 1890.

The act of May 27, 1902, directed the payment per capita of a portion of the trust funds of the tribe (post, p. 755).

The act of February 13, 1891 (post, p. 389), ratified an agreement ceding certain lands in Oklahoma and providing for allotments in severalty to the tribe. Under this act allotments were made to the Sacs and Foxes of the Missouri and of the Mississippi located in Oklahoma, and the remainder of their lands, except that part reserved for school purposes, was opened to settlement under the Presidential proclamation of September 18, 1891.

By the act of June 10, 1896 (post, p. 597), a portion of the trust funds were transferred to the credit of a certain part of the tribe settled in Iowa (Sac and Fox of the Mississippi), and the jurisdiction of the Interior Department extended over that portion of the tribe.

Secretary of Interior to survey and sell said lands with consent of majority of chiefs, headmen, and male adults.

Appraisement in tracts of forty acres.

the Missouria) tribe of Indians and the Iowa tribe of Indians, expressed in open council by each tribe, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold the remainder of the reservations of the Sac and Fox and Iowa Indians, lying in the States of Nebraska and Kansas. The said lands shall be appraised, in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Sac and Fox and Iowa tribes of Indians and the other two shall be appointed by the Secretary of the Interior.

Sales to be through public-land offices.

1887, c. 47, post, p. 245.

Indian improvements separately appraised.

Proviso.

Price not less than $8 per acre, and sales only to actual settlers in good faith.

Purchase limited to 160 acres, except in case of a fractional excess.

Payments and interest.

Patents when all payments are made.

Forfeiture on failure to pay.

SEC. 2. That after the survey and appraisement of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same, through the United States public-land office at Beatrice or Lincoln, Nebraska, at public sale, to the highest bidder. In cases where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised: *Provided*, That no portion of such land shall be sold at less than the appraised value thereof, and in no case for less than eight dollars per acre, and to none except such as purchase the same for actual occupation and settlement, and who have made and subscribed on oath, before the register of said land-office, and filed the same with said officer of the land-office at Beatrice or Lincoln Nebraska, that it is his good-faith intention to settle upon and occupy the land which he seeks to purchase, and improve the same for a home; and, except in case of the death of the purchaser, unless said party shall have executed his declared intention by making improvements and being in actual occupation of said land, by actual residence thereon, at the time for making the second payment, he shall forfeit the payment already made, and the land shall be subject to resale as hereinafter provided. Each purchaser of said lands at such sale shall be entitled to purchase one hundred and sixty acres of land, and no more, except in cases where a tract contains a fractional excess over one hundred and sixty acres. If the excess is less than forty acres, is contiguous, and results from inability in the survey to make township and section lines conform to the boundary-lines of the reservation, and no other objection exists, the purchase of such excess shall be allowed. Such purchaser shall pay one-fourth of the purchase-price at the time said land is bid off, one-fourth in one year, one-fourth in two years, and one-fourth in three years, with interest on the deferred payments at the rate of six per centum per annum; and where there are improvements upon the lands purchased which shall have been separately appraised, the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid. No patents shall issue until all payments shall have been made; and on the failure of any purchaser to make payment as required by this act he shall forfeit the lands purchased, and the same shall be subject to entry and sale, at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

SEC. 3. [Repealed. See 1887, Chapter 47, post, page 245.]

Proceeds of Indians' improvement paid to them.

Proceeds of United States improvements paid into Treasury.

Proceeds of lands deposited in Treasury in trust for Indians with interest.

SEC. 4. That the proceeds of the sale of any improvements belonging to individual Indians shall be paid to the Indians to whom such improvements belonged. The proceeds of the sale of any improvements belonging to the United States shall be deposited in the Treasury of the United States and the proceeds of the sale of said lands, first deducting therefrom the cost of the survey, appraisement, and sale, and the expense of removing the Indians as hereinafter provided, shall be placed to the credit of the said Sac and Fox and Iowa Indians, according to the interest of said tribes in said reservations, in the Treasury of the United States, and shall bear interest at the rate of four per centum per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

Secretary of Interior may, with consent of Indians, secure for them other reservations.

SEC. 5. That the Secretary of the Interior may, with the consent of the Indians expressed in open council, as aforesaid, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and advancement in civilization.

Patents for reservations that may be selected.

SEC. 6. That the President of the United States be, and he is hereby, authorized to cause patents to be issued to the Sac and Fox (of the Missouria) tribe of Indians and the said Iowa tribe for the reservations that may be selected for them under the provisions of the preceding section.

Patents for lands to be in trust.

SEC. 7. That the patent authorized by the preceding section to be issued to said Sac and Fox and Iowa tribes of Indians shall be of the legal effect, and declare that the United States does and will hold the land therein described in trust for the sole use and benefit of said Sac and Fox and Iowa tribes of Indians, respectively.

Allotments to be for—

SEC. 8. That whenever the Indians who may be properly residing upon the said reservations referred to in the last preceding sections shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians in quantity as follows:

A head of a family, 160 acres.

To each head of a family, one hundred and sixty acres.

Single person, over 21, 80 acres.

To each single person over the age of twenty-one years, eighty acres.

Minor, 40 acres.

To each minor, forty acres.

Certificates for allotments.

SEC. 9. That upon the approval of the allotments provided for in the preceding section by the secretary of the Interior, the President shall cause certificates to issue therefor in the name of the allottees, which certificates shall be of the legal effect, and declare that the United States does and will hold the fee of the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

Removal of Indians to reservations secured for them.

SEC. 10. That the Secretary of the Interior may, with the consent of the Indians expressed in open Council, as provided in section one, cause the removal of that portion of the Sac and Fox and Iowa tribes residing upon said Sac and Fox and Iowa Reservations, in Nebraska and Kansas, to the reservation or reservations that may be secured for them, and expend such sums as may be rendered necessary by such removal, and for the comfort and advancement in civilization of said Indians;

Appropriation.

and the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of such expenses and for the expenses of the survey, appraisement, and sale of said Sac and Fox and Iowa lands; and the amount so expended shall be reimbursed to the United States out of the first proceeds of the sales of said lands by said tribes respectively.

Approved, March 3, 1885.

Mar. 3, 1885.

23 Stat., 362.

CHAP. 341.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes.

Fulfilling treaties for 1886, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

* * * * * * *

OMAHAS.

[23 Stat., 370.]

Sale of Omaha lands.

Aug. 7, 1882, c. 434, ante, p. 212, and note.

To enable the Secretary of the Interior to appraise and sell, in accordance with the provisions of an act entitled "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians, in the State of Nebraska, and for other purposes," approved August seventh, eighteen hundred and eighty-two, that portion of said reservation in township twenty-four, range seven east, remaining unallotted on the first day of June, eighteen hundred and eighty-five, one thousand dollars; said sum to be reimbursed from the fund received from the sale of said lands: *Provided*, That the Secretary of the Interior may, in his discretion, and with the consent of the Indians, extend the time of payment for land as fixed by section two of said act so that one third of the purchase money shall become due and payable in two years from the date when the land shall be or has been thrown open to settlement, together with one year's interest on the amount of the first instalment, to be paid when entry is made; and the second instalment of one third shall become due and payable in one year, and the remaining one third in two years from date of first payment, with interest as provided in said act; and in case of default in either of said payments, or the interest thereon, the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased, and any payment or payments he may have made: *Provided further*, That also, with the consent of the Indians, the Secretary of the Interior is hereby authorized to cause to be appraised and sold to the highest bidder, under such regulations and upon such terms as to payment as he may deem to be most advantageous to the said Indians, that part or parcel of said reservation described as follows: All that portion of the northeast quarter of the northwest quarter of section twenty-seven and the west half of the northwest quarter of section twenty-six, in township twenty-five, range six east, lying east of the Sioux City and Nebraska Railroad, containing about fifty acres, more or less, conditioned, however, that the purchaser thereof shall erect, operate, and maintain a flouring mill thereon.

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Approved, March 3, 1885.

ACTS OF FORTY-NINTH CONGRESS—FIRST SESSION, 1886.

June 1, 1886.

24 Stat., 73.

CHAP. 395.—An act to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes.

Kansas and Arkansas Valley Railway to build railway and telegraph and telephone line through the Indian Territory.

Location.

46 Fed. Rep., 346; 1890, c. 35, post, p. 347.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas and Arkansas Valley Railway, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on the eastern line of said Territory at or near the city of Fort Smith, in the State of Arkansas; thence running, by the most feasible and practicable route, in a northwesterly direction, through the Indian Territory, to such a point on the northern boundary-line of said Territory between the Arkansas River in Cowley County and the Caney River in Chautauqua County Kansas as said corporation may select; also a branch line of railway to be constructed from the most suitable point on said main line for making a connection with a line of railroad of the Southern Kansas Railway Company terminating at or near Coffeyville, in the said State of Kansas, and at or near the southern boundary-line thereof, and running thence from such suitable point on said main line in a northerly direction, and by the most feasible and practicable route, to the northern boundary-line of said Indian Territory at or near Coffeyville aforesaid, with the right to construct, use, and maintain such tracks, turnouts, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

Stations.

Provisos.

Lands not to be sold or leased by company.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory for said main line and branch of the Kansas and Arkansas Valley Railway, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Appraisement.
Appointment of referees.

Substitution in case of failure to appoint

Compensation to referees.

Witnesses.

Costs to be paid by company.

Appeal to district court at Fort Smith, Ark., or Wichita, Kans

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior, within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Arkansas, or at Wichita, Kansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, or the district court held at Wichita, Kansas, which court shall have

Costs.

jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight rates.

Proviso.
Passenger rates, limit.

Provisos.

Maximum charges.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or inter-State, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

Proviso.
General council may appeal to Secretary of Interior as to allowance.

Award to be in place of compensation.

Annual rental.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said main line and branch may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the pro-

Right of taxation reserved.

visions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed with Secretary of Interior and chiefs.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Proviso.
Company to begin grading within six months from filing map.

Employees allowed to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Jurisdiction of circuit and district courts for western district of Arkansas and district of Kansas in litigation.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas and Arkansas Valley Railway and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

At least 100 miles to be built within three years or rights forfeited.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That the said Kansas and Arkansas Valley Railway shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Right to amend, etc., reserved.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

Not assignable prior to construction and completion.

SEC. 13. And the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, June 1, 1886.

June 1, 1886.

24 Stat., 76.

CHAP. 397.—An act to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes."

Time for completion of St. Louis and San Francisco Railway extended two years.

1882, c. 371, ante, p. 208.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section five of the act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes," approved August second, eighteen hundred and eighty-two, which requires that "within one year from the date of the acceptance of this act by said company as herein provided, the said company shall file with the Secretary of the Interior a map showing the definite location of its line of road and telegraph as designated in the first section of this act, and shall complete the said road and telegraph through the lands of said nations within the further period of one year," shall be, and the same is hereby, so amended that the time within which said road and telegraph line is required to be completed shall be extended two years from the date of the passage of this act.

Approved, June 1, 1886.

July 1, 1886.

24 Stat., 117.

CHAP. 601.—An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Denison and Washita Valley Railroad Company authorized to construct railway and telegraph and telephone line through Indian Territory.

Location.

1890, c. 419, post, p. 354.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Denison and Washita Valley Railroad Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on Red River, near Denison, in Grayson County, in the State of Texas, and running thence by the most practicable route through the Indian Territory in the direction of Fort Smith, in the State of Arkansas, to a point of intersection with the projected line of the Saint Louis and San Francisco Railway, in the Indian Territory, from Fort Smith to Paris, in the State of Texas, by the most feasible and practicable route thereto, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one

Stations.

Proviso. Limit.

To be used only for railroad, etc., purposes.

hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Compensation for damages.

Appraisement.

Appointment of referees.

Substitution in case of failure to appoint.

Compensation to referees.

Witness fees.

Appeal to district court Fort Smith, Ark., or northern district, Texas.

Costs.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Arkansas, or at the district court for the northern district of Texas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming

Railroad company may proceed, pending decision, upon paying double the award.

damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight rates.

Provisos.

Passenger rates.

Right to regulate charges reserved.

Maximum charges

Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or inter-State, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

Provisos.

General council may appeal to Secretary of Interior.

Award to be in place of other compensation.

Annual payment.

Distribution.

Right of taxation reserved.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed with Secretary of Interior and chiefs.

Proviso.

Work to be begun within six months from filing map.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Officers, etc., allowed to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

SEC. 8. That the United States circuit and district courts for the northern district of Texas and the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Denison and Washita Valley Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Fifty miles at least to be built in three years.

Crossings, etc.

SEC. 9. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all fences, road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Company not to interfere in present tenure of land.

Proviso.
Violation to cause forfeiture.

SEC. 10. That the said Denison and Washita Valley Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Mortgages to be recorded in Interior Department.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Right to amend, etc., reserved.
Not assignable prior to completion.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, July 1, 1886.

CHAP. 744.—An act to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

July 6, 1886.

24 Stat., 124.

Kansas City, Fort Scott and Gulf Railway Company authorized to build railway and telegraph and telephone line through Indian Territory.

Repeal, post, p. 321.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas City, Fort Scott and Gulf Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company near and south of the City of Baxter Springs, in the State of Kansas, and running thence by the most practicable route through the Indian Territory to the Northwest corner of the State of Arkansas, and after passing through the counties of Benton and Washington, in the State of Arkansas, to the town of Evansville, in the said county of Washington; thence from the said town of Evansville, through the Cherokee Nation, Indian Territory, to the city of Fort Smith, in the said State of Arkansas, with the right to construct, use, and maintain such tracts, turnouts, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

Stations.

Provisos.

Lands not to be sold or leased by company.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use said additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill; *Provided*, That no more than said addition of land shall be taken for any one station; *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Appraisement.

Appointment of referees.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially

Substitution in case of failure to appoint.

Compensation to referees.

Fees of witnesses.

Costs to be paid by company.

Appeal to district court at Fort Smith, Ark., or district of Kansas.

Costs.

Company may commence on deposit of double the award.

discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Arkansas, or at the district court for the district of Kansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, or the district court for the district of Kansas, which courts shall have jurisdiction to hear and determine the subject-matter of said petition, according, to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight rates.

Provisos.

Passenger rates, limit.

Telegraph and telegraph and telephone charges.

Right to regulate inter-State charges.

Maximum charges. Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or inter-State, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force amongst the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Provisos.
General council may appeal to Secretary of Interior as to allowance.

Award to be in place of compensation.

Annual rental.

Right of taxation reserved.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Maps to be filed with Secretary of Interior and chiefs.

Proviso.

Company to begin grading within six months from filing map.

SEC. 7. That the officers, servants and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Employees allowed to reside on right of way.

SEC. 8. That the United States circuit and district courts for the district of Kansas and the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, current jurisdiction over all controversies arising between said Kansas City, Fort Scott and Gulf Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdic-

Jurisdiction of circuit and district courts for western district of Arkansas and district of Kansas, in litigation.

tion, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

At least 50 miles to be built within three years or rights forfeited.

SEC. 9. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all fences, road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That the Kansas City, Fort Scott and Gulf Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations or tribes any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Violation to work forfeiture.

Record of mortgages

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Right to amend, etc., reserved.
Not assignable prior to construction and completion.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Received by the President, June 24, 1886.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Aug. 4, 1886.
24 Stat., 219.

CHAP. 897.—An act to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes.

Kickapoo Indians.
Conveyance of lands to allottees extended to all adults.
Vol. 2, p. 835.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the beneficial provisions of the amended third article of the treaty between the United States and the Kickapoo tribe of Indians of Kansas, made June twenty-eighth, eighteen hundred and sixty-two, and proclaimed May twenty-eighth, eighteen hundred and sixty-three, be, and the same hereby are, extended to all adult allottees under said treaty, without regard to their being "males and heads of families," and without distinction as to sex.

Patents to issue in name of original allottee, if deceased.
48 Kans., 653; 46 Pac. Rep., 884.
See note to 1898, c. 286, post, p. 480.

SEC. 2. That where allottees under the aforesaid treaty shall have died, or shall hereafter decease, leaving heirs surviving them, and without having obtained patents for lands allotted to them in accordance with the provisions of said treaty, the Secretary of the Interior shall cause patents in fee-simple to issue for the lands so allotted, in the names of the original allottees, and such allottees shall be regarded, Settlement of estates.

for the purpose of a careful and just settlement of their estates, as citizens of the United States and of the State of Kansas; and it shall be competent for the proper courts to take charge of the settlement of their estates, under all the forms and in accordance with the laws of the State of Kansas, as in the case of other citizens deceased; and where there are children of allottees left orphans, guardians for such orphans may be appointed by the probate court of the county in which such orphans may reside; and such guardians shall give bonds, to be approved by the said court, for the proper care of the person and property of such orphans as provided by law.

Lands of allottee dying without heirs to be sold and proceeds credited to the tribe.

SEC. 3. That where allottees under said treaty shall have died, or shall hereafter decease, leaving no heirs surviving them, and without having become citizens and received patents for their allotments, as provided in the third article of said treaty, the Secretary of the Interior shall cause to be appraised and sold for cash, in such manner as he may direct, the lands of such allottees; and after paying the expense incident to such appraisement and sale, the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of the said Kickapoo tribe of Indians, to be expended in such manner as the Secretary of the Interior may deem best for the benefit of the said tribe.

Patents to issue as for public lands.

SEC. 4. That the Secretary of the Interior shall cause patents in fee-simple to be issued for the lands sold under the provisions of the preceding section, in the same manner as patents are issued for public lands.

Approved, August 4, 1886.

ACTS OF FORTY-NINTH CONGRESS—SECOND SESSION, 1887.

Jan. 17, 1887.

24 Stat., 361.

CHAP. 26.—An act to grant the Maricopa and Phoenix Railway Company of Arizona the right of way through the Gila River Indian Reservation.

Maricopa and Phoenix Railway Company authorized to build railway, etc., line through Gila River Indian Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Maricopa and Phœnix Railway Company, a corporation created under and by virtue of the laws of the Territory of Arizona, be, and the said corporation is hereby, authorized, invested, and empowered with the right to locate, construct, own, equip, operate, use, and maintain a railway and telegraph and telephone line through the Indian reservation situated in the Territory of Arizona known as the Gila River Reservation, occupied by the Pima and Maricopa Indians, beginning at a point on the southerly line of said reservation where the track of the Maricopa and Phœnix Railway (said track being from a point at or near the track of the Southern Pacific Railroad at or near Maricopa Station to the city of Phœnix via Tempe) would strike said line, running thence in a northeasterly direction by the most practicable route to the northerly line of said reservation, with the right to construct, use, and maintain such tracks, turnouts, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Location.
156 U. S., 347.

Right of way.

SEC. 2. That a right of way one hundred feet in width through said Indian reservation is hereby granted to the said Maricopa and Phœnix Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet, in addition to said right of way, is granted for stations for every ten miles of road, no portion of which shall be sold or leased by the company, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided,* That no more than said addition of land shall be taken for any one station: *Provided*

Provisos.
Stations.

Land to be used only for railway, etc., purposes.

further, That no part of the lands granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad and telegraph and telephone lines; and when any portion thereof shall cease to be so used such portions shall revert to the tribe or tribes of Indians from which the same shall have been taken, or, in case they shall have ceased to occupy the same, to the United States: *And provided further*, That before any such lands shall be taken for the purposes aforesaid the consent of the Indians thereto shall be obtained in a manner satisfactory to the President of the United States.

Consent of Indians to be obtained.

Damages.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway, the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

Maps to be filed with Secretary of the Interior.

SEC. 4. That said company shall cause maps showing the route of its located line through and station grounds upon said Indian reservation to be filed in the office of the Secretary of the Interior, and that said location shall be approved by the Secretary of the Interior before any grading or construction on any section or part of said located line shall be begun: *Provided*, That said railway shall be located and constructed with a due regard for the rights of the Indians, and especially so as not to interfere with their irrigating ditches.

Proviso.

Rights of Indians to be regarded.

Employees to reside on right of way.

SEC. 5. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside while so engaged upon said right of way upon the lands herein granted, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with the said intercourse laws.

Survey may begin immediately.

SEC. 6. That said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

To be complete within two years.

SEC. 7. That said railway company shall build its entire line through said reservation within two years after the passage of this act, or this grant shall be forfeited as to that portion not built; and that said railway company shall fence, and keep fenced, all such portions of its road as may run through any improved lands of the Indians, and also shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Fences, bridges, etc.

Indians prohibited from riding.

SEC. 8. That said railway company shall prohibit the riding by Indians belonging to said reservation upon any of its trains, unless specially provided with passes signed by the Indian agent, or by some one duly authorized to act in his behalf.

Bond to be executed and filed conditioned for payment of damages.

SEC. 9. That said railway company shall execute a bond to the United States, to be filed with and approved by the Secretary of the Interior, in the penal sum of ten thousand dollars, for the use and benefit of the Pima and Maricopa tribes of Indians, conditioned for the due payment of any and all damages which may accrue by reason of the killing or maiming of any Indian belonging to said tribes, or either of them, or of their live stock, in the construction or operation of said railway, or by reason of fires originating thereby; the damage in all cases, in the event of failure by the railway company to effect an amicable settlement with the parties in interest, to be recovered in any court of the Territory of Arizona having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That all moneys so recovered

Litigation.

Proviso.

by the United States attorney under the provisions of this section shall be covered into the Treasury of the United States, to be placed to the credit of the particular Indian or Indians entitled to the same, and to be paid to him or them, or otherwise expended for his or their benefit, under the direction of the Secretary of the Interior.

Moneys recovered to be paid out under direction of the Secretary of the Interior.

SEC. 10. That the said Maricopa and Phœnix Railway Company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Condition of acceptance.

Proviso.
Violation to work forfeiture.

SEC. 11. That Congress may at any time amend, add to, alter, or repeal this act.

Right to amend, etc., reserved.

SEC. 12. That this act shall be in force from its passage.

To take effect immediately.

Approved, January 17, 1887.

CHAP. 47.—An act to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian Reservations, in the States of Nebraska and Kansas, and for other purposes," approved March third, eighteen hundred and eighty-five.

Jan. 26, 1887.

24 Stat., 367.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of the act entitled "An act to provide for the sale of the Sac and Fox and Iowa Reservations, in the States of Nebraska and Kansas, and for other purposes," approved March third, eighteen hundred and eighty-five, be, and the same is hereby, amended so as to read as follows:

Sale of Sauk and Fox and Iowa Indian reservations.

1885, ch. 337, ante, p. 229.

"SEC. 3. That if any member of said Sac and Fox or Iowa tribe of Indians, properly enrolled at the Pottawatomie and Great Nemaha Agency, shall elect to remain upon the reservation of his respective tribe, he shall be allowed to select an allotment of land in quantity as follows: If he be the head of a family, one hundred and sixty acres; if a single person over eighteen years of age, or orphan child under eighteen years of age, eighty acres; and if a minor child under eighteen years of age, forty acres; heads of families selecting the land for themselves and minor children, and the United States Indian agent for orphan children. The lands so selected shall be held from sale as provided for herein, and shall be accepted at their fair valuation, to be ascertained by the Secretary of the Interior, in part satisfaction of his interest in and to said reservation, and of the moneys or fund realized from the sale thereof: *Provided*, That his right to share in the other funds and credits of the tribe shall not be impaired thereby; and the Secretary of the Interior shall cause a patent to issue to each of the allottees, under the provisions of this act, and the act to which this act is an amendment, for the lands selected by or for such allottee, which patent shall be of the legal effect, and declare that the United States does and will hold the land thus patented for the period of twenty-five years, in trust for the sole use and benefit of the allottee, or, in case of his decease, of his heirs according to the laws of the State in which said land is situated, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands thus alloted, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void; and such lands, during such time, shall not be subject to taxation, alienation, or forced sale, under execution or otherwise."

Enrolled Indians allowed to select allotment of land.

Head of family.

Single person.

Minor child.

Lands selected to be held from sale.

Proviso.
Distributive share not impaired.
Patent to issue.

Lands to be held in trust for 25 years.

Fee then conveyed free of incumbrances.

Exempt from taxation.

Approved, January 26, 1887.

Feb. 15, 1887.

24 Stat., 402.

CHAP. 130.—An act granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota.

St. Paul, Minneapolis and Manitoba Railway Company granted right of way through Fort Berthold and Blackfeet Indian Reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Saint Paul, Minneapolis and Manitoba Railway Company, a corporation organized and existing under the laws of the State of Minnesota, for the extension of its railroad through the lands in Northwestern Dakota set apart for the use of the Arickaree, Gros Ventre, and Mandan Indians by executive order dated July thirteenth, eighteen hundred and eighty, commonly known as the Fort Berthold Indian Reservation, and through the lands in Northern Montana, set apart for the use of the Gros Ventre, Piegan, Blood, Blackfeet, and other Indians by act of Congress approved April fifteenth, eighteen hundred and seventy-four, and commonly known as the Blackfeet Indian Reservation.

Location.

SEC. 2. That the line of said railroad shall extend from Minot, the present terminus of said Saint Paul, Minneapolis and Manitoba Railway, across said Fort Berthold Reservation, north of the township-line between townships numbered one hundred and fifty-three and one hundred and fifty-four north; thence along the Missouri River by the most convenient and practicable route to the valley of the Milk River; thence along the valley of the Milk River to Fort Assinniboine; thence southwesterly to the Great Falls of the Missouri River.

Dimension.

SEC. 3. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, sidetracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of its road.

Ascertainment and payment of damages.

SEC. 4. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, and until the compensation aforesaid has been fixed and paid; and the surveys construction and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

Right of way across military reservations.

SEC. 5. That the right of way across lands occupied or reserved for military purposes along the line of said railroad is hereby granted to said company the same as across said Indian reservations: *Provided, however*, That the survey and location of said railroad across such lands shall be first approved by the Secretary of War.

Not assignable before completion.

Proviso.

SEC. 6. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete

Forfeited if road is not built in two years.

said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act.

Approved, February 15, 1887.

Feb. 24, 1887.

24 Stat., 419.

CHAP. 254.—An act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Fort Worth and Denver City Railway Company authorized to build railway, telegraph, and telephone line through Indian Territory.

Location.

1890, c. 1274, post, p. 379.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Worth and Denver City Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on south boundary of said Territory between the west line of Wichita county, Texas and the one hundredth meridian, and running thence by the most practicable route through the Indian Territory to a point on the southern boundary of Kansas, west of the west line of Comanche county, Kansas, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

Dimension.

Stations.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Proviso.

Lands not to be leased or sold.

Damages.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appoinment, which oath, duly certified, shall be returned

Appraisement.

Appointment of referees.

Substitution on failure to appoint.
Compensation.
Fees of witnesses.
Costs to be paid by company.
Appeal.
Costs on appeal.
Company may commence on deposit of double the award.

with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Wichita, Kansas, or the district court for the northern district of Texas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Wichita, Kansas, or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight rates.
Provisos.
Passenger rates; limit.
Right to regulate charges reserved.
Maximum
Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or inter-State, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional payment to tribes.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for

Provisos.
General council may appeal to Secretary of Interior as to allowances.

Award.

Annual rental.

Right to tax reserved.

each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed with Secretary of Interior and chiefs.

Proviso.

Grading to begin within six months.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees allowed to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Jurisdiction of courts in litigation.

SEC. 8. That the United States circuit and district courts for the northern district of Texas and the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Fort Worth and Denver City Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

At least 50 miles to be built in three years or rights forfeited.

Crossings.

SEC. 9. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

Proviso.
Violation to work forfeiture.

SEC. 10. That the said Fort Worth and Denver City Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Right to amend, etc. reserved.

Not assignable prior to construction and completion.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, February 24, 1887.

Mar. 2, 1887.

24 Stat., 446.

CHAP. 319.—An act to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes.

Chicago, Kansas and Nebraska Railway Company may construct railway, telegraph, and telephone line through Indian Territory.
Location.
Post, p. 356.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chicago, Kansas and Nebraska Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on the northern line of said Territory at or near the south line of the State of Kansas crossed by the one hundred and first meridian, thence in a southwesterly direction by the most practicable route toward El Paso, New Mexico, and also beginning at a point on the south line of the State of Kansas near the city of Caldwell, in Sumner County, thence running on the most practicable route to or near Fort Reno, and from thence in a southerly direction to the south line of the Indian Territory in the direction of Galveston, Texas, and also in a southwesterly direction to the south line of said Territory in the direction of Cisco, in the State of Texas, with the right to construct, use and maintain such tracks, turnouts, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Right of way.

Width.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road,

Provisos.
Stations.
Lands not to be leased, etc.

with the right to use such additional ground where there are heavy cuts or fills, as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.
Referees.
Appointment on failure to act.
Compensation.
Costs.
Appeal.
Costs on appeal.
Work may begin on depositing double award.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court for the western district of Arkansas or the district of Kansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court for the western district of Arkansas or the district of Kansas, which courts shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight charges.
Provisos.
Passenger rates.
Right to regulate reserved.
Maximum rate.
Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right [to] fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or inter-State, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.
Proviso.
Appeal of general council as to allowance.
Award to be in place of compensation.
Annual rental.
Right to tax reserved.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said main line and branches may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of said nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force between the United States and said nations or tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nation or tribe, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed with Secretary of the Interior and chiefs.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void, and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Proviso.

Grading may begin on filing maps.

Employees to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Chicago, Kansas and Nebraska Railway Company and the nation and tribe through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Forfeited unless 50 miles built in three years.

SEC. 9. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That the said Chicago, Kansas, and Nebraska Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nation any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Right to amend, etc., reserved.
Not transferable prior to completion.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, March 2, 1887.

Mar. 3, 1887.

24 Stat., 545.

CHAP. 360.—An act granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation, in Montana Territory.

Right of way to Rocky Fork and Cooke City Railway Company through Crow Indian Reservation.

Location.

See note to 1882, c. 74, ante, p. 195.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Rocky Fork and Cooke City Railway Company, a corporation organized and existing under the laws of the Territory of Montana, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Crow Indians, and commonly known as the Crow Indian Reservation, beginning at a point at or near Laurel, in Yellowstone County, Montana Territory running thence by the most practicable route to or near the mouth of Rock Creek, commonly called Rocky Fork; thence up said creek to the coal mines near Red Lodge Post-Office in Gallatin County, in said Territory; thence by the most practicable route to Cooke City, in said Gallatin County.

Dimension.

Stations, etc.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to said right of way for station-buildings, depots, machine-shops, side tracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of its road.

Compensation.

Location, etc., to be approved by the Secretary of the Interior.

Proviso.
Consent of Indians may be required.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with, and approved by the Secretary of the Interior which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

Not assignable till completion.

Provisos.
Mortgage.

Forfeited if not used in two years.

Not to enter National Park.

SEC. 4. That said company shall not assign, or transfer, or mortgage this right of way for any purpose whatever until said road shall be completed through that part of said reservation through which it shall be constructed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order through said reservation on said line within two years from the passage of this act: *And provided further*, That no part of said line shall touch any portion of the National Park.

Conditions.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further

Proviso.
Violation to forfeit.

grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, March 3, 1887.

Mar. 3, 1887.

24 Stat., 548.

CHAP. 368.—An act granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes.

Right of way to Utah Midland Railway Company through Uncompahgre and Uintah reservations, Utah.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Utah Midland Railway Company, a corporation created and existing under and by virtue of the laws of the Territory of Utah, and it is hereby authorized and empowered, to locate, construct, own, equip, operate, use, and maintain a railway, telegraph, and telephone line through the Indian reservations situated in the Territory of Utah and known as the Uncompahgre Reservation and the Uintah Reservation, occupied by the Tabequache Utes, Uintah Utes, White River Utes, and other tribes of Indians. Said railway shall enter said Uncompahgre Reservation at a point on the east boundary-line of Utah Territory at or near the place where the White River crosses said boundary-line, running thence by the most feasible route in a general westerly direction across said Uncompahgre Reservation and across said Uintah Reservation to the western boundary of said Uintah Reservation, crossing such western boundary at the most feasible point to reach Salt Lake City.

Location.

Dimensions.

Stations, etc.

Proviso.

Consent of Indians may be required.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of its road: *Provided*, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

Compensation.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way and materials, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, whose approval shall be made in writing, and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

Not assignable before completion.

Provisos.
Mortgage.

Forfeited if not used in three years.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservations within three years from the passage of this act, or if the consent of the Indians is required under the terms of the proviso to section two of this act, then within three years from the date when such consent shall be obtained, as provided in section two of this act.

Condition.

Proviso.
Violation to forfeit.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 7. That this act shall be in force from its passage.

Approved, March 3, 1887.

ACTS OF FIFTIETH CONGRESS—FIRST SESSION, 1888.

Feb. 18, 1888.
25 Stat., 35.

CHAP. 13.—An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Choctaw Coal and Railway Company authorized to build railway, telegraph, and telephone line through Indian Territory.

Location.
1889, c. 152, post, p. 310.
1891, c. 249, post, p. 399.
1894, c. 14, post, p. 509.
1894, c. 330, post, p. 547.
56 Fed. Rep., 973.
46 Pac. Rep., 565.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on Red River (the southern boundary line), at the bluff known as Rocky Cliff in the Indian Territory, and running thence by the most feasible and practicable route through the said Indian Territory to a point on the east boundary line, immediately contiguous to the west boundary line of Polk or Sevier Counties in the State of Arkansas; also, a branch line of railway to be constructed from the most suitable point on said main line for obtaining a feasible and practicable route in a northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company in Tobucksey County, Choctaw Nation; with the right to construct, use, and maintain such tracks, turnouts, branches, and sidings and extensions as said company may deem it in their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

Width.

Stations.

SEC. 2. That said corporation is authorized to take and use for all purposes of railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory for said main line and branch of the Choctaw Coal and Railway Company; and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary

Provisos.

Lands not to be sold.

for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

Damages.

Appraisement.

Referees.

Substitution on failure to appoint.

Compensation.

Witnesses' fees.

Costs.

Disagreement.

Appeal.

Costs on appeal.

Company may begin on paying into court double award.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belonged, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Arkansas, or by the district judge of the northern district of Texas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight rates.
Provisos.
Passenger rates.
Right to regulate, reserved.
Maximum rates.
Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas and Texas for services and transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory with[-in] the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.
Proviso.
General council may appeal to Secretary of Interior as to allowances.
Award.
Rental.
Apportionment.
Right to tax reserved.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands the said railway may be located, the sum of fifty dollars, in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway; for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force, between the United States and said nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed, through which said railway shall have been established, may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed with Secretary of Interior and chief.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Proviso.

Grading to begin within six months.

Employees allowed to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Jurisdiction of courts in litigation.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and the northern district of Texas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Choctaw Coal and Railway Company, and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of parties, so far as may be necessary to carry out the provisions of this act.

One hundred miles to be built in three years.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, and complete the main line of the same within said Territory within one year thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Crossings.

Condition of acceptance.

SEC. 10. That the said Choctaw Coal and Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.

Forfeiture.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendments.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

Right not assignable prior to construction.

SEC. 13. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, February 18, 1888.

Apr. 24, 1888.

25 Stat., 90.

CHAP. 192.—An act granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota.

Right of way to Duluth, Rainy Lake River and Southwestern Railway Company through certain lands in Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Duluth, Rainy Lake River and Southwestern Railway Company, a corporation organized and existing under the laws of the State of Minnesota, for railroad purposes, through the lands in northern Minnesota set apart for the use of the Bois Forte Band of Chippewas by treaty dated April seventh, eighteen hundred and sixty-six, commonly known as the Bois Forte Indian Reservation, and through the unsurveyed lands belonging to the United States adjoining the southern boundary thereof; also through the Red Lake unceded Indian lands in the State of Minnesota, and through the unsurveyed lands belonging to the United States adjoining the northwestern boundary thereof.

Location of road.

SEC. 2. That the line of said railroad shall extend from the city of Duluth, by the most convenient and practicable route, in a northwesterly direction, through the counties of Saint Louis and Itasca, to the mouth of Rainy Lake River, south of the "Lake of the Woods," and at or near the boundary post on the highlands opposite to what is known as the Forte Louise Reserve, on the Canadian side; thence northwesterly to or near the mouth of War Road River, thence southwesterly or westerly through the counties of Beltrami, Kittson, and Marshall, in the State of Minnesota, to the Red River of the North.

Width.

Stations.

SEC. 3. That the right of way through the said Bois Forte Indian Reservation and Red Lake unceded Indian lands, and the unsurveyed lands thereto adjoining, hereby granted to said company, shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad, also ground adjacent to such right of way, for station buildings, depots, yards, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in quantity three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of its road, except at its point at the mouth of Rainy Lake River aforesaid, in which case said company shall have the right to take eighty acres for station buildings, depots, yards, machine-shops, side-tracks, turn-outs, and water-stations, and for other purposes: *Provided*, That the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as the President may prescribe, before any right under this act shall accrue to said company.

Proviso. Consent of Indians.

Compensation.

Survey.

SEC. 4. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way and lands, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made to individual members of the several tribes or bands for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroads, and including the points for station buildings, depots, yards, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein; and until the compensation aforesaid has been fixed and paid; and the surveys and construction and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

Not transferable until completion.

SEC. 5. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act.

Proviso.
Mortgage.
Commencement and completion.

Terms of acceptance.

SEC. 6. That said railway company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that it will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian tribes any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Forfeiture.

Amendment, etc.

SEC. 7. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, April 24, 1888.

May 1, 1888.
25 Stat., 113.

CHAP. 213.—An act to ratify and confirm an agreement with the Gros Ventre, Piegan Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes.

Preamble.

Whereas, John V. Wright, Jared W. Daniels, and Charles F. Larabee, duly appointed commissioners on the part of the United States, did, on the twenty-eighth and thirty-first days of December, anno Domini eighteen hundred and eighty-six, and the twenty-first day of January, anno Domini eighteen hundred and eighty-seven, conclude an agreement with the various tribes or bands of Indians residing upon the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Reservation in Montana Territory, by their chiefs, head-men, and principal men, embracing a majority of all the male adult Indians occupying said reservation, which said agreement is as follows:

Agreement with Indians of the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Reservation, Montana.

Agreement concluded December twenty-eighth and thirty-first, eighteen hundred and eighty-six, and January twenty-first, eighteen hundred and eighty-seven, with the Indians of the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Reservation in Montana, by John V. Wright, Jared W. Daniels, and Charles F. Larabee, Commissioners.

This agreement, made pursuant to an item in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes," approved May fifteenth, eighteen hundred and eighty-six, by John V. Wright, Jared W. Daniels, and Charles F. Larabee, duly appointed commissioners on the part of the United States, and the various tribes or bands of Indians residing upon the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Reservation, in the Territory of Montana, by their chiefs, head-men, and principal men, embracing a majority of all the male adult Indians occupying said reservation, witnesseth that—

See 1874, c. 96, ante, p. 149, and note.

Ante, p. 149.

Whereas the reservation set apart by act of Congress approved April fifteenth, eighteen hundred and seventy-four, for the use and occupancy of the Gros Ventre, Piegan, Blood, Blackfoot, River Crow, and such other Indians as the President might, from time to time, see fit to locate thereon, is wholly out of proportion to the number of Indians occupying the same, and greatly in excess of their present or prospective wants; and whereas the said Indians are desirous of disposing of so much thereof as they do not require, in order to obtain the means to enable them to become self-supporting, as a pastoral and agricultural people, and to educate their children in the paths of civilization: Therefore, to carry out such purpose, it is hereby agreed as follows:

ARTICLE I.

Indians to reside on separate reservations.

Hereafter the permanent homes of the various tribes or bands of said Indians shall be upon the separate reservations hereinafter described and set apart. Said Indians acknowledging the rights of the various tribes or bands, at each of the existing agencies within their present reservation, to determine for themselves, with the United States, the boundaries of their separate reservation, hereby agree to accept and abide by such agreements and conditions as to the location and boundaries of such separate reservation as may be made and agreed upon by the United States and the tribes or bands for which such separate reservation may be made, and as the said separate boundaries may be hereinafter set forth.

ARTICLE II.

Relinquishment of lands not reserved.

The said Indians hereby cede and relinquish to the United States all their right, title, and interest in and to all the lands embraced within the aforesaid Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Reservation, not herein specifically set apart and reserved as separate reservations for them, and do severally agree to accept and occupy the separate reservations to which they are herein assigned as their permanent homes, and they do hereby severally relinquish to the other tribes or bands respectively occupying the other separate reservations, all their right, title, and interest in and to the same, reserving to themselves only the reservation herein set apart for their separate use and occupation.

ARTICLE III.

Consideration.

In consideration of the foregoing cession and relinquishment the United States hereby agrees to advance and expend annually, for the period of ten years after the ratification of this agreement, under direction of the Secretary of the Interior, for the Indians now attached to and receiving rations at the Fort Peck Agency, one hundred and sixty-five thousand dollars; for the Indians now attached to and receiving rations at the Fort Belknap Agency, one hundred and fifteen thousand dollars, and for the Indians now attached to and receiving rations at the Blackfeet Agency, one hundred and fifty thousand dollars, in the purchase of cows, bulls, and other stock, goods, clothing, subsistence, agricultural and mechanical implements, in providing employees, in the education of Indian children, procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and helpless orphans of said Indians, in the erection of such new agency and school buildings, mills, and blacksmith, carpenter, and wagon shops as may be necessary, in assisting the Indians to build houses and inclose their farms, and in any other respect to promote their civilization, comfort, and improvement: *Provided*, That in the employment of farmers, artisans, and laborers, preference shall in all cases be given to Indians residing on the reservation who are well qualified for such position: *Provided further*, That all cattle issued to said Indians for stock-raising purposes, and their progeny, shall bear the brand of the Indian Department, and shall not be sold, exchanged, or slaughtered, except by consent or order of the agent in charge, until such time as this restriction shall be removed by the Commissioner of Indian Affairs.

ARTICLE IV.

Credits from surplus of installments.

It is further agreed that whenever in the opinion of the President the annual installments provided for in the foregoing article shall be found to be in excess of the amount required to be expended in any one year in carrying out the provisions of this agreement upon either of the separate reservations, so much thereof as may be in excess of the requirement shall be placed to the credit of the Indians of such reservation, in the Treasury of the United States, and expended in continuing the benefits herein provided for when said annual installments shall have expired.

ARTICLE V.

Rewards for industry.

In order to encourage habits of industry, and reward labor, it is further understood and agreed, that in the giving out or distribution of cattle or other stock, goods, clothing, subsistence, and agricultural implements, as provided for in Article III, preference shall be given to Indians who endeavor by honest labor to support themselves, and especially to those who in good faith undertake the cultivation of the soil, or engage in pastoral pursuits, as a means of obtaining a livelihood, and the distribution of these benefits shall be made from time to time, as shall best promote the object specified.

ARTICLE VI.

Allotment in severalty.

It is further agreed that any Indian belonging to either of the tribes or bands, parties hereto, who had, at the date of the execution of this agreement by the tribe or band to which he belongs, settled upon and made valuable improvements upon any of the land ceded to the United States under the provisions of this agreement, shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantity as follows: To the head of the family, one hundred and sixty acres; to each child over eighteen years of age, eighty acres; to each child under eighteen years of age, forty acres; and the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto. Upon the approval of said allotments by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the lands thus allotted for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs, according to the laws of the Territory of Montana, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of said lands, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the laws of descent and partition in force in said Territory shall apply thereto after patents therefor have been executed and delivered: *Provided further*, That any such Indian shall be entitled to his distributive share of all the benefits to be derived from the cession of lands to the United States under this agreement, the same as though he resided within the limits of the diminished reservation to which he would properly belong.

ARTICLE VII.

Reservation boundaries.

The outboundaries of the separate reservations, or such portions thereof as are not defined by natural objects, shall be surveyed and marked in a plain and substantial manner, the cost of such surveys to be paid out of the first annual installments provided for in Article III of this agreement.

ARTICLE VIII.

Rights of way.

It is further agreed that, whenever in the opinion of the President the public interests require the construction of railroads, or other highways, or telegraph lines, through any portion of either of the separate reservations established and set apart under the provisions of this agreement, right of way shall be, and is hereby, granted for such purposes, under such rules, regulations, limitations, and restrictions as the Secretary of the Interior may prescribe; the compensation to be fixed by said Secretary and by him expended for the benefit of the Indians concerned.

ARTICLE IX.

This agreement shall not be binding upon either party until ratified by Congress.

Dated and signed at Fort Peck Agency, Montana, on the twenty-eighth day of December, eighteen hundred and eighty-six.

JNO. V. WRIGHT, [SEAL.]
JARED W. DANIELS, [SEAL.]
CHAS. F. LARRABEE, [SEAL.]
Commissioners.

It is hereby agreed that the separate reservation for the Indians now attached to and receiving rations at the Fort Peck Agency, Montana, shall be bounded as follows, to wit:

Fort Peck Reservation.
Boundary.

Beginning at a point in the middle of the main channel of the Missouri River, opposite the mouth of Big Muddy Creek; thence up the Missouri River, in the middle of the main channel thereof, to a point opposite the mouth of Milk River; thence up the middle of the main channel of Milk River to Porcupine Creek; thence up Porcupine Creek, in the middle of the main channel thereof, to a point forty miles due north in a direct line from the middle of the main channel of the Missouri River opposite the mouth of Milk River; thence due east to the middle of the main channel of Big Muddy Creek; thence down said creek, in the middle of the main channel thereof, to the place of beginning. And said Indians shall have the right to take timber for building and fencing purposes and for fuel from the bottom lands on the right bank of the Missouri River opposite the reservation above described.

Dated and signed at Fort Peck Agency, Montana, on the twenty-eighth day of December, eighteen hundred and eighty-six.

JNO. V. WRIGHT, [SEAL.]
JARED W. DANIELS, [SEAL.]
CHAS. F. LARRABEE, [SEAL.]
Commissioners.

Consent of Indians.

The foregoing articles of agreement having been fully explained to us, in open council, we, the undersigned chiefs, headmen, and principal men of the several bands of Sioux and Assinnaboine Indians attached to and receiving rations at the Fort Peck Agency, in the Territory of Montana, do hereby consent and agree to all the stipulations therein contained.

Witness our hands and seals at Fort Peck Agency, Montana, this twenty-eighth day of December, eighteen hundred and eighty-six.

SIOUX.

[Here follows the signature of Mat-to-wa-kan, and others.]

Sioux signatures.

* * * * * * *

Witness our hands and seals at Wolf Point Subagency, Montana, this thirty-first day of December, eighteen hundred and eighty-six.

ASSINIBOINES.

[Here follows the signature of E-ah-sha, and others.]

* * * * * * *

It is hereby agreed that the separate reservation for the Indians now attached to and receiving rations at the Fort Belknap Agency shall be bounded as follows, to wit:

Fort Belknap Reservation. Boundary.

Beginning at a point in the middle of the main channel of Milk River, opposite the mouth of Snake Creek; thence due south to a point due west of the western extremity of the Little Rocky Mountains; thence due east to the crest of said mountains at their western extremity, and thence following the southern crest of said mountains to the eastern extremity thereof; thence in a northerly direction in a direct line to a point in the middle of the main channel of Milk River opposite the mouth of Peoples Creek; thence up Milk River, in the middle of the main channel thereof, to the place of beginning: *Provided*, That the Secretary of the Interior may, in his discretion, set apart a tract of land, within said reservation, not to exceed one hundred and sixty acres in extent, for the establishment and maintenance of an Indian mission and industrial school, under the auspices of the Society of Jesus, to include the site of their present mission buildings; but such privilege shall not debar or exclude other religious societies from establishing Indian missions and schools within said reservation, under direction of the Secretary of the Interior.

Dated and signed at Fort Belknap Agency, Montana, on the twenty-first day of January, eighteen hundred and eighty-seven.

JNO. V. WRIGHT, [SEAL.]
JARED W. DANIELS, [SEAL.]
CHARLES F. LARRABEE, [SEAL.]
Commissioners.

The foregoing articles of agreement having been fully explained to us, in open council, we, the undersigned chiefs, headmen, and principal men of the Gros Ventre and Assinniboine bands of Indians attached to and receiving rations at the Fort Belknap Agency, in the Territory of Montana, do hereby consent and agree to all the stipulations therein contained.

Witness our hands and seals at Fort Belknap Agency, Montana, this twenty-first day of January, eighteen hundred and eighty-seven.

GROS VENTRES.

[Here follows the signature of At-tan-ick-e-wa, and others.]

Gros Ventre's signatures.

ASSINIBOINES.

[Here follows the signature of Mung-gaw, and others.]

Assiniboine's signatures.

* * * * * * *

It is hereby agreed that the separate reservation for the Indians now attached to and drawing rations at the Blackfeet Agency shall be bounded as follows, to wit:

Blackfeet Reservation. Boundary.

Beginning at a point in the middle of the main channel of the Marias River opposite the mouth of Cut Bank Creek; thence up Cut Bank

Creek, in the middle of the main channel thereof, twenty miles, following the meanderings of the creek; thence due north to the northern boundary of Montana; thence west along said boundary to the summit of the main chain of the Rocky Mountains; thence in a southerly direction along the summit of said mountains to a point due west from the source of the North Fork of Birch Creek; thence due east to the source of said North Fork; thence down said North Fork to the main stream of Birch Creek; thence down Birch Creek, in the middle of the main channel thereof, to the Marias River; thence down the Marias River, in the middle of the main channel thereof, to the place of beginning.

Dated and signed at the Blackfeet Agency, Montana, on the eleventh day of February, eighteen hundred and eighty-seven.

Jno. V. Wright,
Jared W. Daniels,
Charles F. Larrabee,
Commissioners.

The foregoing articles of agreement having been fully explained to us, in open council, the undersigned, chiefs, head-men, and principal men of Piegan, Blood, and Blackfeet Nation, attached to and receiving rations at the Blackfeet Agency, in the Territory of Montana, do hereby consent and agree to all the stipulations therein contained.

Witness our hands and seals at the Blackfeet Agency, Montana, this eleventh day of February, eighteen hundred and eighty-seven.

Piegan, Blood, and Blackfeet signatures.

[Here follows the signatures of Onesta-Poka and others.]

* * * * * * *

Therefore,

Agreement ratified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

Appropriation.

Sec. 2. That for the purpose of carrying out the terms of said agreement the sum of four hundred and thirty thousand dollars is hereby appropriated, to be immediately available.

Lands open to settlement.
1888, c. 503, s. 11, post, p. 286.
R. S. 2301, p. 421.

Sec. 3. That lands to which the right of the Indians is extinguished under the foregoing agreement are a part of the public domain of the United States and are open to the operation of the laws regulating homestead entry, except section twenty-three hundred and one of the Revised Statutes, and to entry under the town site laws and the laws governing the disposal of coal lands, desert lands, and mineral lands; but are not open to entry under any other laws regulating the sale or disposal of the public domain.

Commission to negotiate with Ute of southern Colorado.

Sec. 4. The Secretary of the Interior is hereby authorized to appoint a commission, consisting of three persons, with authority to negotiate with the band of Ute Indians of southern Colorado for such modification of their treaty and other rights, and such exchange of their reservation, as may be deemed desirable by said Indians and the Secretary of the Interior; and said commission is also authorized, if the result of such negotiations shall make it necessary, to negotiate with any other tribes of Indians for such portion of their reservation as may be necessary for said band of Ute Indians of southern Colorado if said Indians shall determine to remove from their present location; the report of said commission to be made to and subject to ratification by Congress before taking effect; and for this purpose the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, which shall be immediately available.

Appropriation.

Approved, May 1, 1888.

Chap. 248.—An act to grant a right of way to the Kansas City and Pacific Railroad Company through the Indian Territory, and for other purposes.

May 14, 1888.

25 Stat., 140.

Kansas City and Pacific Railroad Company may build railway, telegraph, and telephone line through Indian Territory.

Location.

Amended, post, p. 349.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas City and Pacific Railroad Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at any point to be selected by said railroad company on the south line of the State of Kansas, in the county of Labette or Montgomery, at or near Coffeyville, and running thence by the most practicable route through the Indian Territory to a point on the southern boundary of the said Indian Territory, and within three miles of where the line of the Denison and Wichita Valley Railroad crosses Red River, with a branch commencing at Ockmulgee, and running thence westerly or southwesterly, to the south line of said Indian Territory, at or near the mouth of the north fork of Red River, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Dimension of right of way.

Sec. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations for every ten miles of the road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Provisos.

Stations.

To be used for railroad, etc., purposes only.

Damages.

Sec. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, and oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall

Referees.

Substitution on failure to appoint.

Compensation.

Costs.

be filled by the district judge of the court for the western district of Arkansas, or at the district court for the northern district of Texas, or at the district court of Kansas upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company.

Appeal.

Costs on appeal.

Work may begin on depositing double award.

In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court of Western Arkansas, or the district court for the northern district of Texas, or the district court of Kansas, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight charges.

Proviso.
Passenger rates.

Right to regulate reserved.

Maximum rate.

Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

SEC. 5. The said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of one thousand two hundred and fifty dollars as each working section of twenty-five miles of

Proviso.
Appeal of general council as to allowance.

Award to be in lieu of compensation.

Rental.

Right to tax reserved.

road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed with Secretary of Interior and chiefs.

Proviso.
Grading to begin on filing maps.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, and the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas City and Pacific Railroad Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and completion.

Crossings, etc.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within two years and the remainder thereof and branches within four years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all fences, road, and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

Proviso.

Violation to forfeit.

SEC. 10. That the said Kansas City and Pacific Railroad Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing, or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as forfeiture of all the rights and privileges of said railway company under this act.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

Not transferable prior to completion.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever, prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, May 14, 1888.

May 15, 1888.

25 Stat., 150.

CHAP. 255.—An act for the relief of the Omaha tribe of Indians in Nebraska, to extend time of payment to purchasers of land of said Indians, and for other purposes.

Omaha Indians of Nebraska.

Anticipation of annuities.

1882, c. 434, ante, p. 212, and note.

Appropriation

Vol. 2, p. 612.

Provisos.

Distribution.

Payment by special agent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in view of the advanced condition in civilization of the Omaha tribe of Indians in the State of Nebraska, and to enable said tribe to further improve their condition by making improvements upon their homesteads by the purchase of stock, cattle, agricultural implements, and other necessary articles, and in accordance with their wishes, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of seventy thousand dollars, being the last seven installments of ten thousand dollars, each unappropriated, and secured to said Indians under the fourth article of their treaty dated March sixteenth, eighteen hundred and fifty-four, to be paid per capita in two annual installments of thirty-five thousand dollars each: *Provided*, That payment of the second installment shall be made contingent upon their advancement and improvement, and in the discretion of the Secretary of the Interior: *And provided further*, That said money shall be paid to said Indians per capita by a special agent appointed for that purpose by the Secretary of the Interior, which agent shall in person direct and advise the expenditure of the same by such Indians in the manner most conducive to their present welfare. He shall give a bond for the faithful performance of his duties and be paid for his services out of said money such reasonable compensation as shall be determined by said Secretary. He shall report to said Secretary, in detail, his doings hereunder.

Extension time for purchase of Omaha Indian Reservation lands.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to extend the time of the payment of the purchase-money due for land sold on Omaha Indian Reservation under the sales made by virtue of an act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, approved August seventh, eighteen hundred and eighty-two, as follows: The time of each payment shall be extended for the period of two years beyond the time now fixed: *Provided*, That the interest on said payments shall be paid annually at the time said payments of interest are due: *And provided further*, That the above act mentioned, except as changed and modified by this act, shall remain in full force.

Ante, p. 212.

Provisos.
Interest.

Purchasers in default to pay in sixty days.

SEC. 3. The Secretary of the Interior is hereby directed to declare forfeited all lands sold under said act upon which the purchaser shall be in default, under existing law, for sixty days after the passage of this act, in payment of any part of the purchase-money, or in the payment of any interest on such purchase-money for the period of two years previous to the expiration of said sixty days. The Secretary of the Interior shall thereupon without delay cause all such land, together with all tracts of land embraced in said act not heretofore sold, to be sold by public auction, after due notice, to the highest bidder over and above the original appraisal thereof, upon the terms of payment authorized in said act. And the proceeds of all such sales shall be covered into the Treasury, to be disposed of for the sole use of said Omaha tribe of Indians, in such manner as shall be hereafter determined by law.

Forfeited lands to be sold at auction.

Proceeds.

Land to Woman's National Indian Association.

SEC. 4. That the Secretary of the Interior, with the consent of the Omaha tribe of Indians, expressed in such manner as he may determine, be, and he hereby is, authorized to set apart, from the unallotted and unassigned lands of said Omaha Indians, in the State of Nebraska, not to exceed five acres of land, for the use and occupancy of the Woman's National Indian Association, to be used by the said association for missionary and educational purposes among the Indians; and the use and occupancy of the land so set apart to inure to said association and its successors so long as the same is used for the purposes herein specified.

Approved, May 15, 1888.

May 24, 1888.

25 Stat., 157.

CHAP. 310.—An act to restore to the public domain a part of the Uintah Valley Indian Reservation, in the Territory of Utah, and for other purposes.[a]

Uintah Valley Indian Reservation.
Portion of, restored to public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the Uintah Valley Indian Reservation, in the Territory of Utah, established by proclamation of the President, of date of October third, eighteen hundred and sixty-one, as lies within the following boundary, namely: Beginning at mile-post numbered nineteen, Du Bois' survey, from

Boundaries.

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[a] See the following acts relative to lands on this reservation: August 15, 1894, chapter 290 (28 Stat., 337); June 4, 1898, chapter 376 (post, p. 642); March 1, 1899, chapter 324 (post, p. 686); May 27, 1902, chapter 888 (post, p. 753), and joint resolution of June 19, 1902 (post, p. 799).

the initial point established in township eight south, range twenty east, Salt Lake meridian; thence southerly to the northeast corner of township two south, range one east, Uintah special meridian; thence south along the east boundary of township two south, range one east, Uintah special meridian, to the south-east corner of township two south, range one east, Uintah special meridian; thence east along the north boundary of township three south, range two east, Uintah special meridian, to its intersection with the east boundary of the Uintah Indian Reservation, thence in a north-west direction with the eastern boundary line of said reservation to the beginning, be, and the same is hereby, declared to be public lands of the United States and restored to the public domain.

Sale of lands.

SEC. 2. That said lands shall be disposed of at public or private sale in the discretion of the Secretary of the Interior, and upon his order, in quantities not exceeding one quarter of a section to any one purchaser, the non-mineral lands for not less than one dollar and twenty-five cents per acre, and not otherwise than for cash: *Provided*, That any location, entry, or entries, mineral or non-mineral, heretofore made or attempted to be made on said lands, or any part thereof, by any qualified person, shall bear date and be allowed the same as if said lands had been public lands at the time of said attempted location or institution of said proceedings, but said mineral entries shall not be completed except upon the payment of twenty dollars an acre, or at that rate for the amount taken up by the claim: *And provided further*, That all moneys arising from the sales of this land shall belong to said Indians and be paid into the Treasury of the United States and held or added to any trust funds of said tribes now there.

Provisos.
Prior locations, etc.

Proceeds to go to Indians.

Ratification by Indians.

SEC. 3. That the Secretary of the Interior shall submit this act to the adult male Indians on said reservation, and the restoration shall take effect on a ratification by three-fourths thereof, and the Secretary of the Interior shall prescribe rules for ascertaining the wishes of said Indians and to secure their free action touching the proposed disposal of said lands.

Approved, May 24, 1888.

May 30, 1888.
25 Stat., 160.

CHAP. 336.—An act granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian Reservation.

Washington and Idaho Railroad Company granted right of way through Cœur d'Alene Indian Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Washington and Idaho Railroad Company, a corporation organized and existing under the laws of the Territory of Washington, for the extension of its railroad through the lands in Idaho Territory set apart for the use of the Cœur d'Alene Indians by executive order, commonly known as the Cœur d'Alene Indian Reservation, beginning at a point on the westerly line of said reservation near the junction of the Washington and Idaho Railroad with the Idaho Branch of said road, near Lone Pine, in Washington Territory, and running thence in a northerly direction across the Cœur d'Alene Indian Reservation to a point near the mouth of the Saint Joseph's River, on the Cœur d'Alene Lake, thence in a northeasterly direction along the east side of the Cœur d'Alene Lake to the Cœur d'Alene River, and thence in a generally easterly direction, by the Cœur d'Alene Mission, to the east line of the reservation.

Location.

Dimension.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said

Stations, etc.

railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also, ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Compensation.

Maps, etc., to be filed with and approved by Secretary of the Interior.

Proviso.
Consent of Indians.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad, including charges of transportation, shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company.

Assignment.

Provisos.
Mortgage.

Commencement and completion.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

Condition of acceptance.

Proviso.
Violation to forfeit.

SEC. 5. That said railway company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Amendment, etc.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

Received by the President, May 18, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

May 30, 1888.
25 Stat., 162.

CHAP. 337.—An act to grant to the Fort Smith and El Paso Railway Company a right of way through the Indian Territory, and for other purposes.

Fort Smith and El Paso Railway Company may construct railway, telegraph, and telephone line through Indian Territory.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Smith and El Paso Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory; said line to begin at a point at or near the city of Fort Smith, on the western boundary of the State of Arkansas, running thence by the most practicable route to a crossing of the Missouri, Kansas and Texas Railroad at a point at or near the town of Savanna, in the Choctaw Nation; thence in a westerly direction to a point at or near Cherokee Town, in the Chickasaw Nation; and thence westerly to a point at or near the southwest corner of the Indian Territory; with the right to construct, use, and maintain such tracks, turnouts, sidings, and extensions hereinafter mentioned as such company may deem necessary and to their interest to construct along, upon the right of way hereby granted; said line to be located in sections of twenty-five miles each, as working sections; and before work is begun on any such section the definite line and location thereof is to be submitted to and approved by the Secretary of the Interior.

Dimension.

Stations.

Provisos.

To be used for railroad, etc., purposes only.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Appraisement.
Referees.

Substitution.

SEC. 3. That before said railways shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Arkansas, or at the district court for the northern district of Texas, or at the district court of Kansas upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, or the district court for the northern district of Texas, or the district court of Kansas, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Compensation.

Witness fees.

Costs.

Appeal.

On deposit of double the award, work may begin.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the States of Texas and Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Freight rates.

Provisos.
Passenger rates.

Right to regulate reserved.

Maximum.

Mails.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of one thousand two hundred and fifty dollars as each working section of twenty-five miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the

Additional compensation to tribes.

Proviso.
Appeal of general council as to allowance.

Award to be in lieu
f compensation.

Annual rental.

Taxation.

provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed.

Proviso.

Commencing work.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located, and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees may re-
de on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Jurisdiction of
urts.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, and the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Fort Smith and El Paso Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and
completion.

SEC. 9. That said railway company shall build at least four sections, of twenty-five miles each, of its railway in said Territory within three years after the passage of this act, and the remainder thereof within five years, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and

Fences, etc.

maintain continually all fences, road, and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That the said Fort Smith and El Paso Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever, prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Received by the President, May 18, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

June 4, 1888.

25 Stat., 167.

CHAP. 344.—An act granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian Reservation.

Billings, Clark's Fork and Cooke City Railroad Company granted right of way through Crow Indian Reservation, Montana.

See note to 1882, c. 74, ante, p. 195.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Billings Clark's Fork and Cooke City Railroad Company, a corporation organized and existing under the laws of the Territory of Montana, for the extension of its railroad through the lands in Montana Territory set apart for the use of the Crow Indians, commonly known as the Crow Indian Reservation, beginning at a point on the northern line of said reserve at or near where Clark's Fork empties into the Yellowstone River, and thence following in a southerly direction to a point at or near where said Clark's Fork crosses the southern line of the said Crow Reserve; also a branch line of railway to be constructed for a distance of ten miles up Bear Creek, and commencing from the point where said Bear Creek empties into said Clark's Fork; with the right to construct, use, and maintain tracks, turn-outs, and sidings.

Location.

Width.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to

Material.

Stations, etc

exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Compensation.

Survey, etc.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way and material, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been filed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railway company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

Proviso.
Consent of Indians.

Not transferable till completion.

Provisos.
Mortgage.

Commencement and completion.

Not to touch Yellowstone Park.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act: *And provided further*, That no part of said line shall touch any portion of the Yellowstone National Park.

Condition of acceptances.

Proviso.
Violation to forfeit.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors, and assigns, that they will neither aid, assist, nor advise in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is heretofore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Amendment.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act. That this act shall be in force from its passage.

Approved, June 4, 1888.

June 4, 1888.

25 Stat., 109.

CHAP. 345.—An act granting to the Milwaukee, Lake Shore and Western Railway Company the right of way through the Lac de Flambeau Indian Reservation, in the State of Wisconsin.

Milwaukee, Lake Shore and Western Railway Company granted right of way through Lac de Flambeau Indian Reservation, Wisconsin.

Consent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Milwaukee, Lake Shore and Western Railway Company, a corporation organized and existing under the laws of the State of Wisconsin, and its assigns, the right of way for the extension of its railroad through the Lac de Flambeau Indian Reservation in said State, the said Indians having consented by Treaty to a reservation by the United States of the power to grant right of way through said reservation.

Width.
Material.
Stations, etc.

Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way, for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of two stations within the limits of said reservation.

Compensation.
Survey.
Provisos.
Payment.
Regulations.

SEC. 2. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to the Indians for such right of way, and provide the time and manner for the payment thereof; and also to ascertain and fix the amount to be paid to individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for, until plats thereof, made upon actual survey, for the definite location of such railroad, and including the grounds for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservation as to the amount of said compensation shall have been first obtained in a manner satisfactory to the President of the United States: *Provided*, That if said Indians shall refuse to accept a sum which in the judgment of the President is a just compensation for said right of way, the said compensation shall then be ascertained in such manner as the President shall direct having due regard to the rights of the Indians in which event the said company shall have the right to take and occupy said right of way by paying the compensation so ascertained in such manner as the Secretary of the Interior shall direct. Said company is hereby authorized to enter upon such reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

To be constructed in three years.

SEC. 3. That the rights herein granted shall be forfeited by said company unless the road is constructed through said reservation within three years.

Amendment.

SEC. 4. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, June 4, 1888.

June 18, 1888.
25 Stat., 184.

CHAP. 390.—An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River in the Choctaw Nation, near Fort Smith, Arkansas.

Fort Smith and Choctaw Bridge Company may bridge Poteau River, Indian Territory, near Fort Smith, Ark.
1889, c. 402, post, p. 827.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Fort Smith and Choctaw Bridge Company, a corporation duly created and organized under the laws of the State of Arkansas, their successors or assigns, to build, construct, and maintain a bridge and approaches thereto for the passage of wagons, cars, and vehicles of all kinds for the transit of animals and for foot-passengers across the Poteau River in the Choctaw Nation at or near Fort Smith, upon the land owned and claimed by Mrs. M. A. Bower, a member of the Choctaw tribe of Indians.

Construction.
Spans.

SEC. 2. That if said bridge shall be made with unbroken and continuous span, the spans shall not be less than seventy feet in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least thirty feet above extreme high water, as understood at the point of location: *Provided*, That if the same shall be constructed as a draw-bridge, the draw or pivot shall be over the main channel of the river at an accessible navigable point, and give a clear opening of seventy feet in width, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats.

Provisos.
Draw.

Right of way for approaches.

SEC. 3. That said corporation is authorized to take and use for all purposes of a highway or approaches to said bridge, and for no other purpose, a right of way not exceeding fifty feet in width on each side of said Poteau River, over the lands claimed by individuals under the laws and usages of said tribe of Choctaw Indians, and may contract for and obtain the same from such Indian or Indians by purchase: *Provided*, That no part of the lands herein authorized to be taken be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said highway; and when any portion thereof shall cease to be so used, such portion shall revert to the individual Indian or Indians from which the same shall have been taken.

Proviso.

Lands to revert if not used for highway.

Compensation for lands.

SEC. 4. That before said highway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of the Choctaw nation, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such highway. In case of failure to make amicable settlements with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one, who shall act as chairman, by the President, one by the chief of the nation to which said occupant belongs, and one by the said bridge company; who, before entering upon the duties of their appraisements, shall take and subscribe before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appraisement, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the United States court held at Fort Smith, Arkansas, upon the application of the other party. The chairman of said board shall appoint the time and place of all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any cause submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the court of said nation. Costs, including compensation of said referees, shall be made a part of the award, and be paid by such bridge company. In case the referees do not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, which court shall have jurisdiction to hear and determine the subject-matter of the petition, according to the laws of the State of Arkansas, for determining the damage when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for

Referees.

Pay of referees.

Appeal.

Costs.

a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the bridge company. If the judgment of the court shall be for the same or a less sum than the award made by the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the bridge company shall pay double the amount of the award into court to abide the judgment thereof and then have the right to enter upon the property sought to be condemned and proceed with the construction of said bridge.

Secretary of War to approve location, etc.

SEC. 5. That the bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe.

Tolls.

SEC. 6. That the said bridge company may charge such reasonable rate of toll for the transit or passage over the same of wagons and vehicles of every description for animals and foot-passengers as are provided by existing laws of the Choctaw Nation.

Commencement and completion.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

Amendment.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, June 18, 1888.

June 26, 1888.

25 Stat., 205.

CHAP. 494.—An act to authorize the Paris, Choctaw and Little Rock Railway Company to construct and operate a railway, telegraph and telephone line through the Indian Territory, and for other purposes.

Paris, Choctaw and Little Rock Railway Company may build railway, telegraph, and telephone line through Indian Territory.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Paris, Choctaw and Little Rock Railway Company, a corporation duly created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point, to be selected by said company, on Red River, at the most convenient crossing of said river, at or near the point known as Hooks' Ferry, a crossing of said river from the south bank of the same in Red River County, Texas, near the northwest corner thereof; thence in a northeasterly direction, in the general direction of Hot Springs and Little Rock, Arkansas, to a point on the east boundary line of the Indian Territory in the Choctaw Nation, which is the west boundary line of the State of Arkansas, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

Width.

Provisos.

Stations.

Not to be sold, etc.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph and telephone line; and, when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Referees.

Substitution on failure to appoint.

Compensation.

Costs.

Appeal.

Costs on appeal.

Work may begin on depositing double award.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Arkansas, or at the district court for the northern district of Texas, upon the application of the other party. The chairman of the said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party, being dissatisfied with the finding of the referees, shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for the complainant, the costs of said appeal shall be adjudged against the railroad company. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight charges.

Provisos.
Passenger, etc., rates.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which the railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate, at all times, the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however,* That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further,* That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Maximum.

Mails.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory; said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided,* That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further,* That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided,* That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed, through which said railway shall have been established, may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Additional compensation to tribes.

Proviso.
Appeal by general council.

Award to be paid.

Annual rental.

Taxation.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory, to be filed in the office of the Secretary of the Interior, and also to be in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of such maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided,* That when filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location

Maps to be filed.

Proviso.
Grading to begin on filing maps.

shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

SEC. 8. That the United States circuit and district courts for the northern district of Texas and the western district of Arkansas, and such other courts as may be authorized by Congress shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Paris, Choctaw and Little Rock Railway Company and the nations and tribes through whose territory said railway shall be constructed; said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and completion.

SEC. 9. That said railway company shall build and complete its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; and it shall not be necessary in such case for a forfeiture to be declared by judicial process or legislative enactment; that said railroad company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Crossings, etc.

Condition of acceptance.

SEC. 10. That the said Paris, Choctaw and Little Rock Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.

Violation to forfeit.

Mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Received by the President June 14, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

June 29, 1888.

25 Stat., 217.

CHAP. 503.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department for the year ending June thirtieth, eighteen hundred and eighty-nine, and fulfilling treaty stipulations with the various Indian tribes, namely:

* * * * * * *

[25 Stat., 222.]
Kansas Indians.
See note to 1876, ch. 168, ante, p. 162.

For payment of the balance of principal and interest of Kaw or Kansas Indian scrip, pursuant to the provisions of the Indian appropriation act for the year ending June thirtieth, eighteen hundred and eighty-six, approved March third, eighteen hundred and eighty-five, sixty-five thousand dollars, or so much thereof as may be necessary, to be paid out of the sum of two hundred thousand dollars accruing to said Indians for cession of lands under article two of treaty entered into by said tribe with the United States dated January fourteenth, eighteen hundred and forty-six, and to be immediately available: *Provided*, That the proceeds of sales of Kansas Indian lands realized hereafter shall be applied to the reimbursement of the said fund of two hundred thousand dollars of the amount paid out under this appropriation.

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MISCELLANEOUS SUPPORTS.

* * * * * * *

Payment to settlers on lands included in Navajo Reservation.

The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Interior to pay the settlers who, in good faith, made settlement in township twenty-nine north, ranges fourteen, fifteen, and sixteen west of the New Mexico principal meridian, in the Territory of New Mexico, prior to May first, eighteen hundred and eighty-six, for their improvements and for damages sustained by reason of the inclusion of said townships within the Navajo reservation by Executive order of April twenty-fourth, eighteen hundred and eighty-six, and such settlers may make other homestead, pre-emption, and timber-culture entries as if they had never made settlements within said townships.

* * * * * * *

Payment of judgment of Court of Claims in favor of Choctaw Nation.

See note to 1898, c. 517, post, p. 656.

R. S., s. 1090, p. 200.

SEC. 9. That for payment to the Choctaw Nation, two million eight hundred and fifty-eight thousand seven hundred and ninety-eight dollars and sixty-two cents, the said sum being the amount of the judgment rendered in favor of said nation, by the Court of Claims, on the fifteenth day of December, anno Domini eighteen hundred and eighty-six, on a mandate issued by the Supreme Court, at the October term of said court, together with such further sum as may be necessary to pay the interest on said judgment, at five per centum per annum, from the date of the presentation of the transcript of said judgment to the Secretary of the Treasury for payment, as provided in section one thousand and ninety of the Revised Statutes, to the date of this act. The appropriation hereby made shall be a permanent and continuing appropriation, not subject to lapse, or to be covered into the Treasury; and said sum, together with the interest thereon, shall be paid from time to time, and in such sums as requisition or requisitions, therefor shall be made, by the proper authorities of the Choctaw Nation, to the National Treasurer of said Nation, or to such other person or persons as shall be named in said requisitions

Vol. 2, p. 709.

Proviso.
Interest to cease on passage of this act.

therefor, in accordance with article twelve of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded June twenty-second, eighteen hundred and fifty-five: *Provided*, That no interest shall be paid on this appropriation after the passage of this act, but the amount herein appropriated to be immediately available, and to be in full satisfaction of all claims against the United States arising under article twelve of said treaty.

* * * * * * *

Assignment of Blackfoot Indian Reservation to counties, Montana.
1888, c. 213, ante, p. 266.

SEC. 11. Until otherwise provided by law all that portion of what is known as the Blackfoot Indian Reservation in Montana Territory, lying west of the one hundred and eighth meridian, ceded to the United States under an agreement with the several bands of Indians occupying the same, (which said agreement was ratified by act of Congress approved May first, eighteen hundred and eighty-eight), is hereby attached to and made a part of the county of Choteau, in said Territory, and, until otherwise provided by law, all that portion of said reservation ceded under said agreement and lying east of the one hundred and eighth meridian, Montana, is hereby attached to and made part of the county of Dawson, in said Territory. The laws of the Territory of Montana now in force in the counties of Dawson and Choteau shall extend over and be in force in the portions of territory added to said counties, respectively.

Lands of Umatilla Reservation to be sold at agency.
1885, ch. 319, ante, p. 224.
Note to 1882, c. 392, ante, p. 209.

SEC. 12. That section second of an act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March third, eighteen hundred and eighty-five be, and the same is hereby, amended so as to provide that the lands described in said section shall be sold at the agency on said reservation, in Umatilla County, State of Oregon, instead of the proper land-office of the United States, as provided in and by said section, such sales in all other respects to be made in the manner as prescribed in said act.

Approved, June 29, 1888.

July 4, 1888.

25 Stat., 240.

CHAP. 519.—An act authorizing the sale of a portion of the Winnebago Reservation in Nebraska.

Winnebago Indian Reservation, Nebr.
Sale of part of.
1863, c. 53, ante, p. 125; 1870, c. 296, ante, p. 127; 1872, c. 233, ante, p. 132; 1874, c. 389, ante, p. 150; 1881, c. 23, ante, p, 157.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed and authorized to sell at public sale, after giving due and proper notice by publication in such newspapers as he may select, the following described land, being a part of the reservation now occupied by the Winnebago tribe of Indians in the State of Nebraska, to wit: Lots three and four, the south half of the northeast quarter and the southeast quarter of section number thirty-three, lots number five and six, the south half of the northwest quarter and the southwest quarter of section number thirty-four, all in township number twenty-seven north, of range number six east, sixth principal meridian.

Terms of sale.

Proceeds.

Provisos.
Allottees.

SEC. 2. That the said land to be sold in such Governmental divisions as the Secretary of the Interior may determine; said sale to be for cash in hand and to the highest bidder, and the proceeds arising from such sale to be placed to the credit of the Winnebago tribe of Indians in Nebraska and to be paid to them at the time the first annuity is due after the said land shall be sold, the money arising from sale of said land to be divided pro rata among the members of the tribe: *Provided*, That in case any members of the tribe have taken allotments on any of the land described above, said allotments may be canceled by the Secretary of the Interior, with the consent of the

Indian or Indians who have taken such allotments, and said members of the tribe who thus voluntarily relinquish any allotment may select other land on the reservation under the law and have the same allotted the same as if no selection had been made: *Provided further*, That no sale of the above described land shall be made unless the Winnebago tribe of Indians in Nebraska shall give their assent thereto: *Provided also*, That any right acquired by the Sioux City and Nebraska Railroad Company for right of way for a line of railway and to lands for use and occupancy for station and depot purposes under an agreement made with the Winnebago Indians, bearing date April seventeenth, eighteen hundred and eighty, approved by the Secretary of the Interior on the twenty-seventh day of July, eighteen hundred and eighty, shall not be affected by this act: *It is further provided*, That at any time within three months after the sale of the unallotted lands as provided, any members of the tribe who have not voluntarily relinquished their allotments on the land described are authorized to make sale of their lands with the consent of their special agent, by transfer, and assigning their patents, and the purchaser shall pay into the hand of the agent of the Winnebago Indians in Nebraska, for the benefit of said tribe as heretofore provided, the same price per acre as the average price paid for lands at the public sale, and said members of the tribe may select lands on the reservation the same as if no selection had been made.

Consent of tribe.

Right of way.

Sales of allotted lands.

Approved, July 4, 1888.

CHAP. 716.—An act granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian Reservation.

July 26, 1888.

25 Stat., 347.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted to the Newport and Kings' Valley Railroad Company, a corporation organized and existing under the laws of the State of Oregon, for the construction of its railroad through the Siletz Indian Reservation, beginning at a point on the easterly line of said reservation where Rock Creek crosses said line and running thence westerly down the valley of Rock Creek and the valley of Siletz River to the western boundary of said reservation at or near the southwest corner thereof.

Newport and King's Valley Railroad Company granted right of way through Siletz Indian Reservation.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Width.

Buildings, etc.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of

Compensation.

Plats, etc., to be approved by Secretary of the Interior.

the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company: *And provided further*, That no greater rate shall be charged upon said road within said reservation for the transportation of passengers or freight than is charged for a like service outside of said reservation.

Provisos.
Consent of Indians.

Charges.

Assignment, etc.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

Provisos.
Mortgage.

Completion.

Condition of acceptance.

SEC. 5. The said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Violation to forfeit.

Amendment.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 7. That this act shall be in force from its passage.

Received by the President July 14, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

July 26, 1888.

25 Stat., 949.

CHAP. 717.—An act granting to the Oregon Railway and Navigation Company the right of way through the Nez Percé Indian Reservation.[a]

Oregon Railway and Navigation Company granted right of way through Nez Percé Indian Reservation, Idaho.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Oregon Railway and Navigation Company, a corporation organized and existing under the laws of the State of Oregon, for the extension of its railroad through the Nez Percé Indian Reservation, from a point on the western boundary of said reservation on the Clear Water River, in Idaho Territory, in an easterly direction, following the valley of said Clear Water River and the south fork of said river and branches of the same in a generally southerly and easterly direction to the eastern boundary of said reservation; also from a point on the northern boundary of said Nez

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[a] Railroads through the Nez Percé Reservation in Idaho are provided for by the following other special acts: May 8, 1890, chapter 199 (post, p. 351); February 28, 1899, chapter 219 (post, p. 679), amended by May 14, 1902, chapter 788 (post, p. 750), and March 1, 1899, chapter 316 (post, p. 684).

For other legislation relative to this reservation see the act of August 15, 1894, chapter 290 (post, p. 536), and also those of May 27, 1878, chapter 142, ante, p. 175, and March 3, 1885, chapter 34 (23 stat., 378).

Percé Indian Reservation on Potlack Creek in section sixteen, township thirty-seven north, range three west, Boise meridian, by way of Potlack Creek to the Clear Water River.

Width.

Buildings, etc.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also, ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Compensation.

Plats, etc., to be approved by Secretary of the Interior.

Proviso.

Consent of Indians.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad, including charges of transportation, shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company.

Assignment.

Proviso.
Mortgage.

Completion.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

Condition of acceptance.

Proviso.

Violation to forfeit.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Amendment.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

Received by the President July 14, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

July 26, 1888.

25 Stat., 350.

CHAP. 718.—An act to grant to the Puyallup Valley Railway Company a right of way through the Puyallup Indian Reservation in Washington Territory, and for other purposes.

Puyallup Valley Railway Company granted right of way through Puyallup Indian Reservation.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Puyallup Valley Railway Company, a corporation created under and by virtue of the laws of the Territory of Washington, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone lines through the Puyallup Indian Reservation, or such parts thereof as may be hereinafter designated in this act, said line to begin on the northwestern boundary of the said Indian reservation, near the city of Tacoma, running thence by the most practicable route through said reservation to the southeastern boundary thereof; thence to the town of Sumner, in said Territory of Washington, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions hereinafter mentioned as such company may deem necessary and to their interest to construct along, upon, and in connection with the right of way hereby granted. Before work is begun the definite line and location of said railway is to be submitted to and approved by the Secretary of the Interior.

Width.

Stations, etc.

Provisos.

For railroad uses only.

Consent of Indians.

Regulations.

SEC. 2. That a right of way sixty-six feet in width through said Indian reservation, or the designated parts thereof, is hereby granted to the Puyallup Valley Railway Company, and a strip of land one hundred and thirty-three feet in width, with a length of two thousand feet, in addition to the right of way, is granted for such stations, sidings, or junctions as may be established by said railway company for the proper and convenient operating of said railroad, with the right to use such additional ground, where there are heavy cuts or fills, as may be necessary for the proper construction and maintenance of the road-bed; but ground taken or used for such purposes shall not exceed fifty feet in width on each side of the right of way, or only as much thereof as may be included in such cuts and fills: *Provided*, That no part or parts of land included in these grants shall be used for any other purposes than shall be necessary for the construction, maintenance, and convenient operation of said railroad, telegraph, and telephone lines: *Provided further*, That the consent of the Indians to said right of way upon the said Puyallup Indian Reservation shall be obtained in such manner as the President of the United States may prescribe, before any right under this act shall accrue to said company: *And provided further*, That the location, construction, and operation of said road through said reservation shall be subject to such regulations as the Secretary of the Interior may provide.

Damages.

Compensation to Indians.

Secretary of the Interior to approve plats, etc.

SEC. 3. That before said railway shall be constructed through any land, claim, or improvement held by individual occupants, according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make satisfactory settlement with any such claimant, the just compensation shall be determined as provided for by the laws of Washington Territory, enacted for the settlement of like controversies in such cases. The amount of damages resulting to the Puyallup tribe of Indians in their tribal capacity by reason of the construction of said railway through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval: *Provided further*, That no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroads, and including the points for station-

Disposition of award.

buildings, depots, yards, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing, and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid: *Provided*, That the amount of compensation which may ultimately be awarded or adjudged against said railway company in respect of such last-mentioned lands, shall be paid to the Secretary of the Interior, to be by him expended on behalf of the tribe, for the benefit of their schools, or in such other manner as he shall deem best.

Charges.

Provisos.

Mails.

Passenger rates.

SEC. 4. That the maximum rate charged by the said railway company for the transportation of freight and passengers within the limits of the Indian reservation shall not exceed the rate charged for the same services in kind in the Territory of Washington; and Congress hereby reserves the right to regulate the charges for the freight and passengers on said railroad, and messages on said telegraph and telephone lines, until a State government or governments shall exist in the said Territory within the limits of which said railway, or a part thereof, shall be located: *Provided*, That the said railway company shall carry the United States mail at such price as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation: *And provided further*, That the passenger rates of fare shall not exceed three cents per mile where the distance is greater than five miles.

Map of route.

SEC. 5. That said company shall, as soon as the definite route and line of said railroad is located through said reservation, cause a map to be made showing such line and location, a copy of which shall be filed in the office of the Secretary of the Interior, and a copy shall be also filed in the office of the principal chief or governor of said tribe through which said road may have been located; and after the filing of said map of location no claim for subsequent settlement and improvement upon the right of way or additional grounds for depots, stations, sidings, or switches shall be valid as against said railroad company.

Employees to reside on right of way.

SEC. 6. That the officers, employees, and servants of said company necessary for the construction, operation, and management of said road, telegraph, and telephone lines shall be allowed to reside while so engaged, upon the said right of way, but at the same time be subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance therewith.

Litigation.

SEC. 7. That the United States courts for the second judicial district of Washington Territory, and such other courts as may be authorized by Congress, shall have concurrent jurisdiction, without reference to the amount in controversy, over all cases arising between said railroad company and the tribe, as such, or individual members thereof, through whose territory said railway may be constructed; and the civil jurisdiction of said courts is extended within the limits of the said Puyallup Indian Reservation, without distinction as to citizenship of parties interested, so far as it may be necessary to carry out the provisions of this act and give effect to all its enactments.

Crossings, etc.

SEC. 8. That said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever such roads and highways do now or shall hereafter cross said right of way or may by proper authority be laid out across the same.

Recording mortgages.

SEC. 9. That all mortgages or conveyances executed and operating on any portion of this railway that may be constructed in the said Puyallup Indian Reservation shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of the execution of the same, and shall convey all rights of property of

Assignment.
Proviso.
Mortgages.
Completion.

said railroad company therein expressed. That said company shall not sell, assign, transfer, or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act, and it shall not be necessary in such case for a forfeiture to be declared by judicial process, or legislative enactment.

Amendment.

SEC. 10. That Congress may at any time amend, add to, alter, or repeal this act.

Received by the President July 14, 1888.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Sept. 1, 1888.
25 Stat., 452.

CHAP. 936.—An act to accept and ratify an agreement made with the Shoshone and Bannack Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall Reservation, in the Territory of Idaho, for the purposes of a town-site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes.

Fort Hall Reservation, Idaho.
Agreement with Shoshoni and Bannock Indians for cession of part of, ratified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made and entered into by the United States of America represented as therein mentioned, with the Shoshone and Bannack Indians resident in the Fort Hall Reservation, in the Territory of Idaho, and now on file in the office of Indian Affairs, be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is executed by a duly certified majority of all the adult male Indians of the Shoshone and Bannack tribes occupying or interested in the lands therein more particularly described, in conformity with the provisions of article eleven of the treaty concluded with said Indians July third, eighteen hundred and sixty-eight (Statutes at Large, volume fifteen, page six hundred and seventy-three), and is in the words and figures following, namely:

See note to 1874, c. 2, ante, p. 152.
1889, c. 303, post, p. 314.
Vol. 2, p. 1022.

Agreement.

"Memorandum of an agreement made and entered into by the United States of America, represented by Robert S. Gardner, U. S. Indian Inspector, and Peter Gallagher, U. S. Indian Agent, specially detailed by the Secretary of the Interior for this purpose, and the Shoshone and Bannack tribes of Indians, occupying the Fort Hall Reservation in the Territory of Idaho, as follows:

Cession of reservation.

ART. I. The said Indians agree to surrender and relinquish to the United States all their estate, right, title, and interest in and to so much of the Fort Hall Reservation as is comprised within the following boundaries, that is to say: and comprising the following lands, all in town six (6) south of range thirty-four (34) east of Boise Meridian.

Boundaries of lands ceded.

West one-half section twenty-five (25); all of section twenty-six (26); east one-half section twenty-seven (27); northwest quarter section thirty-six (36); north one-half section thirty-five (35); northeast quarter of southwest quarter section thirty-five (35); northeast quarter of the northeast quarter of section thirty-four (34); comprising an area of eighteen hundred and forty (1840) acres, more or less, saving and excepting so much of the above-mentioned tracts as has been heretofore and is hereby relinquished to the United States for the use of the Utah and Northern and Oregon Short Line Railways.

The land so relinquished to be surveyed (if it shall be found necessary) by the United States and laid off into lots and blocks as a townsite, and after due appraisement thereof, to be sole at public auction to the highest bidder, at such time, in such manner, and upon such terms and conditions as Congress may direct.

To be sold at auction.

The funds arising from the sale of said lands, after deducting the expenses of survey, appraisement, and sale, to be deposited in the Treasury of the United States to the credit of the said Indians, and to bear interest at the rate of five per centum per annum; with power in the Secretary of the Interior to expend all or any part of the principal and accrued interest thereof, for the benefit and support of said Indians in such manner and at such times as he shall see fit.

Disposal of funds.

Or said lands so relinquished to be disposed of for the benefit of said Indians in such other manner as Congress may direct; and

Whereas in or about the year 1878 the Utah and Northern Railroad Company constructed a line of railroad running north and south through the Fort Hall Reservation, and has since operated the same, without payment, or any compensation whatever to the said Indians, for or in respect of the lands taken for right of way and station purposes; and

Utah and Northern Railway Company.

Whereas the treaty between the United States and the Shoshone and Bannack Indians, concluded July 3, 1868 (15 Stat. at Large, page 673), under which the Fort Hall Reservation was established, contains no provisions for the building of railroads through said reservation: Now, therefore,

Vol. 2, p. 1020.

Art. II. The Shoshone and Bannack Indians, parties hereto, do hereby consent and agree that upon payment to the Secretary of the Interior for their use and benefit of the sum of ($8.00) eight dollars for or in respect of each and every acre of land of the said reservation, taken and used for the purposes of its said railroad, the said Utah and Northern Railroad Company shall have and be entitled to a right of way not exceeding two hundred (200) feet in width, through said reservation extending from Blackfoot River, the northern boundary of said reservation, to the southern boundary thereof, together with necessary grounds for station and water purposes according to maps and plats of definite location, to be hereafter filed by said company with the Secretary of the Interior, and to be approved by him, the said Indians, parties hereto, for themselves and for the members of their respective tribes, hereby promising and agreeing to, at all times hereafter during their occupancy of said reservation, protect the said Utah and Northern Railroad Company, its successors or assigns, in the quiet enjoyment of said right of way and appurtenances and in the peaceful operation of its road through the reservation.

Terms for ceding right of way.

Art. III. All unexecuted provisions of existing treaties between the United States and the said Indians not affected by this agreement to remain in full force; and this agreement to take effect only upon ratification hereof by Congress.

Existing treaties.

Signed at the Fort Hall Agency, in the Territory of Idaho, by the said Robert S. Gardner and Peter Gallagher on behalf of the United States, and by the undersigned chiefs, headmen, and heads of families and individual members of the Shoshone and Bannack tribes of Indians, constituting a clear majority of all the adult male Indians of said tribes occupying or interested in the lands of the Fort Hall Reservation, in conformity with article eleven of the treaty of July 3, 1868, this twenty-seventh (27) day of May, A. D. one thousand eight hundred and eighty-seven (1887)."

Signatures.

[Here follow the signatures.]

Sec. 2. That the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed and laid out into lots and blocks

Reservation to be surveyed and platted.

so much of the Fort Hall Reservation in the Territory of Idaho, at or near Pocatello Station, on the Utah and Northern Railway, as when the sectional and subdivisional lines are run and established shall be found to be within the following descriptions, to wit: The west half of section twenty-five, all of section twenty-six, the east half of section twenty-seven, the northwest quarter of section thirty-six, the north half of section thirty-five, the northeast quarter of the southwest quarter of section thirty-five, and the northeast quarter of the northeast quarter of section thirty-four, all in township six south, of range thirty-four east, Boise meridian, in the Territory of Idaho, and containing an area of one thousand eight hundred and forty acres, or thereabouts; saving and excepting thereout so much of the above-described tracts as has heretofore been, or is hereby, granted for the use of the Utah and Northern Railway Company.

Boundaries.

Map to be sent to General Land Office.

SEC. 3. That such survey shall describe the exterior boundaries of the said town according to the lines of the public surveys, also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement shall be verified under oath by the party making the survey; and within one month after making such verification there shall be transmitted to the General Land Office a verified transcript of such map and statement; a similar map and statement shall be filed with the register and receiver, and a similar copy shall be filed in the office of the recorder of the county wherein such town is situate.

Appraisal of lots.

SEC. 4. That at the time of the said survey, the Secretary of the Interior shall cause the said lots and blocks to be appraised by three disinterested persons, one of whom shall be designated by said Indians in open council and the other two by the Secretary of the Interior, who, after taking and subscribing an oath before some competent officer to faithfully and impartially perform their duties as appraisers of said lots and blocks under the provisions of this act, which oaths shall be returned with their appraisement, shall go in person upon the ground and determine the value of each lot and parcel thereof; making lists thereof, particularly describing each lot, block, and parcel, with the appraised value thereof, as by them determined, which said list shall be verified by the affidavit of at least two of said appraisers, to the effect that said list is a correct list of said lots, blocks, and parcels appraised by them, and that the appraisements thereof are the true value of each parcel appraised, and that the same were determined by them after due and full inspection of each and every parcel thereof: *Provided*, That no lot or parcel shall be appraised at less than ten dollars, and that all improvements shall be appraised separate and distinct from the land.

Proviso.
Minimum price.

Lots to be sold at auction.

SEC. 5. That upon the return of said survey, and the appraisement of said lands, if the same shall be approved by him, the Secretary of the Interior shall cause said lands to be offered for sale at public auction, at the door of the "Pocatello House," Pocatello Junction, to the highest bidder, for cash, which sale shall be advertised for at least three months previous thereto, in such manner as the said Secretary shall direct, and shall be conducted by the register of the land office in the district in which said lands are situate, in accordance with the instructions of the Commissioner of the General Land Office. Said sale shall continue from day to day until all of the said lands shall have been sold or offered for sale. The said lands shall be offered in single lots and parcels, and no bid shall be received for any lot or parcel less than the appraised value of the same. All blocks, lots, and parcels of said lands not sold at public sale shall thereafter be subject to private

Lots not sold subject to private entry.

Provisos.
Settlers to have first choice.

Improvements.

Rights of Utah and Northern Railway Company.

entry at the appraised value thereof: *Provided*, That any person who has been residing upon any of said land, and has made valuable improvements thereon, shall, upon proof to that effect to the satisfaction of the Secretary of the Interior, be permitted to purchase at such sale, for cash, at the appraised value thereof, the lot or parcel so resided upon and improved by him, and in default of his exercising the preference right so conferred upon him by this section, such lot or parcel shall be sold to the highest bidder, for cash, as hereinbefore provided: *Provided further*, That such last-mentioned purchaser shall pay the owner of such improvements the appraised value thereof, as determined under the provisions of this act: *And provided further*, That any right heretofore acquired by the Utah and Northern Railway Company for right of way and the use and occupancy of lands for station and depot purposes, through and upon the lands above described, shall not be affected by this act.

Funds to be deposited to credit of Indians.

Interest.

SEC. 6. That the funds arising from the sale of said lands, after deducting the expenses of survey, appraisement, and sale, shall be deposited in the Treasury of the United States to the credit of the Shoshone and Bannack tribes of Indians belonging on said reservation, and shall bear interest at the rate of five per centum per annum; and the Secretary of the Interior is hereby authorized and empowered to expend all or any part of the principal and accrued interest of such fund for the benefit and support of said Indians, in such manner, and at such times as he may deem expedient and proper.

Secretary of the Interior to make rules, etc.

SEC. 7. That the Secretary of the Interior shall make all needful rules and regulations necessary to carry this act into effect; he shall determine the compensation of the surveyor for his services in laying out said lands into town lots, also the compensation of the appraisers provided for in section four, and shall cause patents in fee-simple to be issued to the purchasers of the lands sold under the provisions of this act in the same manner as patents are issued for the public lands.

Appropriation

To be reimbursed.

SEC. 8. That the sum of five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect, which said sum, or so much thereof as may be expended, shall be reimbursed to the Treasury out of the sales of said lands.

Boundary line between reservation and town.

SEC. 9. That the exterior lines of the land by this act authorized to be laid out into town lots and separating the same from the lands of said reservation shall, from the date of the approval of said survey by the Secretary of the Interior, be, and constitute, the line of said reservation between the same and said town.

Rights of citizens.

Post, p. 408.

SEC. 10. That the citizens of the town hereinbefore provided for shall have the free and undisturbed use in common with the said Indians of the waters of any river, creek, stream, or spring flowing through the Fort Hall Reservation in the vicinity of said town, with right of access at all times thereto, and the right to construct, operate, and maintain all such ditches, canals, works, or other aqueducts, drain, and sewerage pipes, and other appliances on the reservation, as may be necessary to provide said town with proper water and sewerage facilities.

Right of way to Utah and Northern Railway Company.

Stations, etc.

SEC. 11. That there be, and is hereby, granted to the said Utah and Northern Railway Company a right of way not exceeding two hundred feet in width (except such portion of the road where the Utah and Northern and the Oregon Short Line Railways run over the same or adjoining tracks, and then only one hundred feet in width) through the lands above described, and through the remaining lands of the Fort Hall Reservation, extending from Blackfoot River, the northern boundary of said reservation, to the southern boundary thereof; and in addition to such right of way, grounds adjacent thereto for station buildings, depots, machine shops, side-tracks, turn-outs, and water-stations, not

Pocatello station.
Payment.
Provisos.
Forfeiture.
Payment for lands taken.
Disposition of funds.
To be used only for railway, etc., purposes.

to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road, according to maps and plats of definite location thereof respectively, to be filed by said company with, and approved by, the Secretary of the Interior, except that at and near its station at Pocatello, in Idaho Territory, said railway company is granted for its use for station grounds, depot buildings, shops, tracks, side-tracks, turn-outs, yards, and for water purposes, not to exceed one hundred and fifty acres, as shown by maps and plats of the definite location thereof; and said company shall pay for said one hundred and fifty acres, in addition to the eight dollars per acre provided in said agreement, a further sum equal to the average appraisal of each acre of town lots in the proposed townsite of Pocatello, outside of said one hundred and fifty acres, provided for in section four of this act, said eight dollars per acre to be paid within one year from the passage of this act, and said additional sum immediately upon the completion of the appraisement aforesaid: *Provided*, That all lands acquired by said railway company near its station at Pocatello for its use for station grounds, depot buildings, shops, tracks, side-tracks, turn-outs, yards, and for water purposes, as hereinbefore provided, shall, whenever used by said railway company, or its assigns, for other purposes, be forfeited and revert to the United States, and be subject to the other provisions of this act: *Provided further*, That the said Utah and Northern Railway Company shall first pay to the Secretary of the Interior, for the use and benefit of the said Shoshone and Bannack tribes of Indians, the sum of eight dollars per acre for, or in respect of each and every acre of land so taken and used for said right of way and station grounds, in conformity with said maps of definite location, the moneys derived from this source to be deposited in the Treasury of the United States, to the credit of the said Shoshone and Bannack Indians, bearing interest at five per centum per annum, with like power in the Secretary of the Interior, from time to time, to apply all or any part of the principal and accrued interest thereof, for the benefit and support of said Indians in the same manner as is hereinbefore provided with regard to the funds arising from the sale of lands of the Fort Hall Reservation: *And provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used, except in such manner and for such purposes only as shall be necessary for the construction, maintenance, and convenient operation of a railway, telegraph or telephone lines, and when any portion thereof shall cease to be so used, such portion shall revert to the tribe or tribes of Indians from which the same shall have been taken, or in case they shall have ceased to occupy said reservation, to the United States; and the construction, maintenance, and operation of said railway shall be conducted with a due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

Employees may live on right of way.

SEC. 12. That the officers, servants, and employees of said company necessary to the construction and management of said road, shall, while so engaged, be allowed to reside upon said right of way, and station grounds hereby granted, but subject, in so far as the reservation lands are concerned, to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with the said intercourse laws.

Fences, crossings, etc.

SEC. 13. That said railway company shall fence, and keep fenced, all such portions of its road as may run through any improved lands of the Indians, and also shall construct and maintain continually all road and highway crossings and necessary bridges over said railway, wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be, by the proper authorities, laid out across the same.

Bond to secure payment of damages.

SEC. 14. That said railway company shall execute a bond to the United States, to be filed with and approved by the Secretary of the Interior, in the penal sum of ten thousand dollars, for the use and benefit of the Shoshone and Bannack tribes of Indians, conditioned for the due payment of any and all damages which may accrue by reason of the killing or maiming of any Indian belonging to said tribes, or either of them, or of their live-stock, in the construction or operation of said railway, or by reason of fires originating thereby; the damages in all cases, in the event of failure by the railway company to effect an amicable settlement with the parties in interest, to be recovered in any court of the Territory of Idaho having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That all moneys so recovered by the United States attorney under the provisions of this section, shall be covered into the Treasury of the United States, to be placed to the credit of the particular Indian or Indians entitled to the same, and to be paid to him or them, or otherwise expended for his or their benefit, under the direction of the Secretary of the Interior.

Proviso.
Disposition of money recovered.

Condition of acceptance.

SEC. 15. That the said Utah and Northern Railway Company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their remaining lands, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Violation to forfeit.

Amendment.

SEC. 16. That Congress may, at any time, amend, add to, alter, or repeal this act.

Approved, September 1, 1888.

October 17, 1888.

25 Stat., 558.

CHAP. 1186.—An act granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian Reservation in the State of Minnesota, and for other purposes.

Duluth and Winnipeg Railway Company granted right of way through Fond du Lac Indian Reservation, Minn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Duluth and Winnipeg Railway Company, commencing at Duluth and running by the most practicable route to a point at or near Grand Rapids, on Mississippi River, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the extension of its railroad through the Fond du Lac Indian Reservation in said State. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way, for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of two stations within the limits of said reservation.

Width.

Buildings, etc.

Compensation.

SEC. 2. That before said railway shall be constructed through any land, claim, or improvement held by individual occupants, according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make satisfactory settlement with any such claimant, the just compensation shall be determined as provided for by the laws of Minnesota, Damages to Indian tribe.

Plats, etc., to be approved by the Secretary of the Interior.

Proviso.
Rights of Indians.

enacted for the settlement of like controversies in such cases. The amount of damages resulting to the Fond du Lac tribe of Indians in their tribal capacity by reason of the construction of said railway through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for, until plats thereof, made upon actual survey, for the definite location of such railroad, and including the grounds for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservation as to the amount of said compensation shall have been first obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon such reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

Completion.

SEC. 3. That the rights herein granted shall be forfeited by said company unless the road is constructed through said reservation within three years.

Oregon Railway and Navigation Company granted lands in Umatilla Indian Reservation, Oregon.
See note, 1882, c. 392, ante, p. 209.

Location.

SEC. 4. That there be, and is hereby, granted to the Oregon Railway and Navigation Company, a corporation organized and existing under the laws of the State of Oregon for the purposes of station-buildings, depots, machine-shops, side-tracks, turn-outs and water-stations, and other railroad purposes, and for the purpose of access to and egress from said station the following described tracts of land, being a portion of the Indian reservation in the State of Oregon known as the Umatilla Reservation, namely: Commencing at a point one thousand and thirty-eight and one half feet north of the south-east corner of section four, township three north, range thirty-four east, Willamette meridian, and on the east line of said section four; thence north fifty-seven degrees west two hundred and fifty and three tenths feet to a point three hundred and fourteen and eight tenths feet from the main track of the Oregon Railway and Navigation Company's railroad; thence north thirty-three degrees east one thousand and fifty feet in a line parallel with the main track of said railroad at this point; thence south fifty-seven degrees east four hundred and fourteen and eight tenths feet; thence south thirty-three degrees west one thousand and fifty feet; thence north fifty-seven degrees west one hundred feet to the center of the main track of said railroad; thence north fifty-seven degrees west sixty-four and one half feet to the place of beginning, containing ten acres. Also a strip of land sixty-two and two tenths feet wide on each side of a line commencing at a point on the northwest side of said ten-acre tract, one hundred and fifty feet from its northwest corner, and running thence north ten degrees and four minutes west seven hundred feet to the center of Wild Horse Creek.

Secretary of Interior to fix compensation.

SEC. 5. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such tracts of land and to provide the time and manner of the payment thereof, and until the compensation aforesaid has been fixed and paid no right of any kind shall vest in said railway company.

Conditions of acceptance.

SEC. 6. That said railway company shall accept this grant upon the expressed condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore

Proviso.
Violation to forfeit.

provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Consent of Indians.

SEC. 7. The preceding three sections shall not take effect until the consent of said Indians to the provisions thereof shall have been obtained; which consent shall be expressed in writing, signed, by a majority of the male adults on said reservation and by a majority of their chiefs in council assembled for that purpose, and shall be filed with the Secretary of the Interior.

Quantity of land in reservation increased.
Ante, p. 224.

SEC. 8. That the act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March third, eighteen hundred and eighty-five, be, and the same is hereby, amended by repealing so much thereof as limits the total quantity of the diminished reservation proposed to one hundred and twenty thousand acres, and the Secretary of the Interior shall set apart such further quantity of land of the existing Umatilla Reservation, in addition to the one hundred and twenty thousand acres thereof, required by said act to be selected, designated, and reserved for the uses and purposes of said Indians, as therein provided, as shall enable him to fix, define, and establish the metes and bounds of said reserved tract in a satisfactory manner, and to include therein such portions as he may deem advisable of certain lands in the eastern part of the reservation, which the Indians desire shall be reserved for them; and the said Secretary is authorized by order to establish such diminished reservation accordingly; and in all other respects said act shall continue and remain in force.

Amendment.

SEC. 9. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, October 17, 1888.

Oct. 19, 1888.
25 Stat., 608.

CHAP. 1211.—An act to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands, under the act of March third, eighteen hundred and eighty-three.

Cherokee freedmen.
Preamble.
See note to act May 11, 1872, ante, p. 181.

Whereas it is provided in the ninth article of the treaty of July nineteenth, eighteen hundred and sixty-six, between the United States and the Cherokee Nation of Indians, that freedmen who have been liberated by voluntary act of their former owners, or by law, as well as all free colored persons who were in the (Cherokee) country at the commencement of the rebellion, and were then residents therein, or who might return within six months, and their descendants, shall have all the rights of native Cherokees; and,

Whereas by the fifteenth article of the aforesaid treaty certain terms were provided under which friendly Indians might be settled upon unoccupied lands in the Cherokee country east of the ninety-sixth degree of west longitude; and the Indians thus settled were, upon full compliance with the provisions of said article, to be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect with native citizens; and,

Whereas under the provisions of the aforesaid fifteenth article an agreement was entered into between the Cherokee Nation and the Delaware tribe of Indians, on the eighth day of April, eighteen hundred and sixty-seven, which agreement was approved, respectively, by the Secretary of the Interior and the President of the United States on the eleventh day of April, eighteen hundred and sixty-seven, and by the terms of which the Delaware Indians "became members of the Cherokee Nation, with the same rights and immunities and the same participation (and no other) in the national funds as native Cherokees;" and

Whereas under the provisions of the aforesaid fifteenth article an agreement was entered into between the Cherokee Nation and the Shawnee tribe of Indians, on the seventh day of June, eighteen hundred and sixty-nine, and approved by the Secretary of the Interior and the President of the United States, respectively, on the ninth day of June, eighteen hundred and sixty-nine, by the terms of which the Shawnee Indians were incorporated into and became a part of the Cherokee Nation on equal terms in every respect, and with all the privileges and immunities of native citizens of the Cherokee Nation; and

Whereas it is provided by the sixth article of the aforesaid treaty that all laws of the Cherokee Nation shall be uniform throughout said nation; and

1883, c. 143, 22 Stat., 624.

Whereas by an item in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes, approved March third, eighteen hundred and eighty-three, the sum of three hundred thousand dollars was "appropriated, to be paid into the treasury of the Cherokee Nation, out of the funds due under appraisement for Cherokee lands west of the Arkansas River, which sum shall be expended as the acts of the Cherokee legislature direct;" and

Whereas by an act of the Cherokee legislature, which was passed over the veto of the principal chief and became a law on the nineteenth day of May, eighteen hundred and eighty-three, the principal chief was directed to cause the said sum of three hundred thousand dollars to be paid out per capita to the citizens of the Cherokee Nation by blood and which sum has been paid out only to Cherokee citizens by blood, as directed by said act; and

Whereas by the said act of the Cherokee legislature the aforesaid freedmen, Delaware and Shawnee Indians have been deprived of their legal and just dues guaranteed them by treaty stipulations: Therefore,

Appropriation for freedmen and others in Cherokee Nation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this act; and the amount actually expended shall be charged against the Cherokee Nation, on account of its lands west of the Arkansas River, and shall be a lien on said lands, and which shall be deducted from any payment hereafter made on account of said lands.

Distribution.

Freedmen, etc.

Delawares.

Shawnee.

The said sum, or so much thereof as may be necessary, shall be by the Secretary of the Interior distributed per capita, first, among such freedmen and their descendants as are mentioned in the ninth article of the treaty of July nineteenth, eighteen hundred and sixty-six, between the United States and the Cherokee Nation of Indians; second, among the Delaware tribe of Indians incorporated into the Cherokee Nation by the terms of a certain agreement entered into between said Cherokee Nation and Delaware Indians, under the provisions of the fifteenth article of the aforesaid treaty, on the eighth day of April, eighteen hundred and sixty-seven, and approved, respectively, by the President of the United States and the Secretary of the Interior on the eleventh day of April, eighteen hundred and sixty-seven; and, third, among the Shawnee tribe of Indians incorporated into the Cherokee Nation by the terms of a certain agreement entered into between the said Cherokee Nation and Shawnee Indians, under the provisions of the aforesaid article and treaty, on the seventh day of June, eighteen hundred and sixty-nine, and approved, respectively, by the President of the United States and the Secretary of the Interior on the ninth day of June, eighteen hundred and sixty-nine, in such manner and in such amount or amounts as will equalize the per capita payment made to Cherokees by blood in accordance with the act of the Cherokee legislature aforesaid, out of the sum of three hundred thousand dollars appropriated by the act of March third, eighteen hundred and eighty-three, aforesaid.

Approved, October 19, 1888.

ACTS OF FIFTIETH CONGRESS—SECOND SESSION, 1889.

Jan. 1, 1889.

25 Stat., 639.

CHAP. 18.—An act granting to Citrous Water Company right of way across Papago Indian Reservation in Maricopa County, Arizona.

Citrous Water Company may construct irrigating ditch through Papago Indian Reservation, Ariz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Citrous Water Company, a corporation organized under the laws of the State of California, and transacting business in the Territory of Arizona, is hereby granted the right of way, one hundred feet in width, across, through, and out of township south five, range west five, Gila and Salt River base and meridian, the said described land being a part of the Papago Indian Reservation in Maricopa County, Arizona, for the sole purpose of constructing a ditch or canal, to be used in conveying water across said reservation for use in irrigating lands and supplying water to owners of land below: *Provided*, That so long as said reservation shall continue for the use and occupation of said Indians, said Indians shall, free of cost, be supplied with water from said ditch or canal in such quantity and under such regulations as shall be prescribed by the Secretary of the Interior, and that reasonable compensation only, subject at all times to the control of Congress, shall be charged to those supplied with water for use upon land held under the United States: *Provided further*, That said right of way herein granted shall not be mortgaged, sold, transferred, or assigned except for the purposes of construction: *And provided further*, That unless said canal for which this right of way is granted be completed within two years after the approval of this act the provisions of this act shall be null and void.

Provisos.

Indians to receive water free.

Not to be sold, etc.

Commencement and completion.

Amendment.

SEC. 2. This act, and all rights acquired under the same, shall be subject at all times to modification, revocation, amendment, or repeal by Congress.

Approved, January 1, 1889.

Jan. 14, 1889.

25 Stats., 642.

CHAP. 24.—An act for the relief and civilization of the Chippewa Indians in the State of Minnesota.[a]

Chippewa Indians of Minnesota.

Commissioners to negotiate for relinquishment of lands to be appointed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and directed, within sixty days after the passage of this act, to designate and appoint three commissioners, one of whom shall be a citizen of Minnesota, whose duty it shall be, as soon as practicable after their appointment, to negotiate with all the

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[a] By the act of February 26, 1896, chapter 32 (post, p. 576), amendments were made relative to the sale of pine lands. By the act of June 10, 1896, chapter 398 (post, p. 597), the number of commissioners was reduced to one.

The work of the commission as above created was terminated by order of the Secretary of the Interior on June 20, 1900. (See Annual Report, 1899, pp. 33 and 137, and 1900, pp. 52 and 264.) The act of June 27, 1902, amended and revived the act, adding many important features. (See post, p. 756.)

By the act of May 29, 1872, chapter 233 (ante, p. 133), the settlement of the Otter-tail Pillagers upon lands of the Mississippi band of Chippewa in the White Earth Reservation was effected.

By the same act (17 Stats., 190) the removal of the Fond du Lac, Lac Court Oreilles, and Lac de Flambeau bands to the lands of the La Pointe band was author-

Lands excepted.

Assent of tribes.

Proviso.
Allottees not to be disturbed.

Census to be taken.

Assent to extinguish Indian title.

different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake Reservations, and to all and so much of these two reservations as in the judgment of said commission is not required to make and fill the allotments required by this and existing acts, and shall not have been reserved by the Commissioners for said purposes, for the purposes and upon the terms hereinafter stated; and such cession and relinquishment shall be deemed sufficient as to each of said several reservations, except as to the Red Lake Reservation, if made and assented to in writing by two-thirds of the male adults over eighteen years of age of the band or tribe of Indians occupying and belonging to such reservations; and as to the Red Lake Reservation the cession and relinquishment shall be deemed sufficient if made and assented to in like manner by two-thirds of the male adults of all the Chippewa Indians in Minnesota; and provided that all agreements therefor shall be approved by the President of the United States before taking effect: *Provided further*, That in any case where an alloment in severalty has heretofore been made to any Indian of land upon any of said reservations, he shall not be deprived thereof or disturbed therein except by his own individual consent separately and previously given, in such form and manner as may be prescribed by the Secretary of the Interior. And for the purpose of ascertaining whether the proper number of Indians yield and give their assent as aforesaid, and for the purpose of making the allotments and payments hereinafter mentioned, the said commissioners shall, while engaged in securing such cession and relinquishment as aforesaid and before completing the same, make an accurate census of each tribe or band, classifying them into male and female adults, and male and female minors; and the minors into those who are orphans and those who are not orphans, giving the exact numbers of each class, and making such census in duplicate lists, one of which shall be filed with the Secretary of the Interior, and the other with the official head of the band or tribe; and the acceptance and approval of such cession and relinquishment by the President of the United States shall be deemed full and ample proof of the assent of the Indians, and shall operate as a complete extinguishment of the Indian title without any other or further act or ceremony whatsoever for the purposes and upon the terms in this act provided.

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ized, dependent upon the consent of these bands; but this was refused by the Indians in council.

The act of May 11, 1880, chapter 85 (ante, p. 178), provided for the deposit in the Treasury of semiannual interest to the credit of the L'Anse and Vieux de Serte bands. The disposal of the lands of the Michigan Chippewa, parties to the treaties of 1836 and July 31, 1855, and the entry of land as homesteads by these Indians, is provided by the act of June 10, 1872, chapter 424 (17 Stats., 381), as amended by the acts of March 3, 1875, chapter 188 (ante, p. 158), and May 23, 1876, chapter 105 (ante, p. 161).

By the act of June 7, 1897, chapter 3, section 9 (post, p. 623), a commissioner was appointed to take a census of the Chippewa on the Chippewa and Christian reservation in Kansas, to investigate their titles, sell unallotted land, etc.

The claim of the Fond du Lac band, arising from the failure to allot them on the White Earth Reservation land equal in area to that relinquished by them, was referred to the Court of Claims by the act of June 7, 1897, chapter 4 (post, p. 622).

Railroads through Chippewa reservations have been authorized by the following acts: January 1, 1889, chapter 49 (post, p. 306); July 18, 1894, chapter 140 (post, p. 515), amended by February 23, 1897, chapter 308 (post, p. 618); August 23, 1894, chapter 311 (post, p. 547); August 27, 1894, chapter 342 (post, p. 550), amended by joint resolution February 23, 1897 (post, p. 619); February 24, 1896, chapter 29 (post, p. 571); April 14, 1896, chapter 100 (post, p. 596); April 17, 1900, chapter 193 (post, p. 698).

By the act of April 18, 1874, chapter 111 (ante, p. 150), lands were granted for church and school purposes in the White Earth Reservation.

Bond and oath of commissioners.

Compensation.

Interpreter.

SEC. 2. That the said commissioners shall, before entering upon the discharge of their duties, each give a bond to the United States in the sum of ten thousand dollars, with sufficient sureties, to be approved by the Secretary of the Interior, and conditioned for the faithful discharge of their duties under this act, and they shall also each take an oath to support the Constitution of the United States, and to faithfully discharge the duties of their office, which bonds and oaths shall be filed with the Secretary of the Interior. Said commissioners shall be entitled to a compensation of ten dollars per day for each day actually employed in the discharge of their duties, and for their actual traveling expenses and board, not exceeding three dollars per day. Said commissioners shall also be authorized to employ a competent interpreter while engaged in the performance of their duties, at a compensation and allowance to be fixed by them, not in excess of that allowed to each of them under this act.

Removal of Indians to White Earth Reservation.

Allotment of lands on Red Lake Reservation.

Ante, p. 32.

Prior allotments confirmed.

Proviso.

Deductions.

Allotments on other reservations.

SEC. 3. That as soon as the census has been taken, and the cession and relinquishment has been obtained, approved, and ratified, as specified in section one of this act, all of said Chippewa Indians in the State of Minnesota, except those on the Red Lake Reservation, shall, under the direction of said commissioners, be removed to and take up their residence on the White Earth Reservation, and thereupon there shall, as soon as practicable, under the direction of said commissioners, be allotted lands in severalty to the Red Lake Indians on Red Lake Reservation, and to all the other of said Indians on White Earth Reservation, in conformity with the act of February eighth, eighteen hundred and eighty-seven, entitled "An act for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes"; and all allotments heretofore made to any of said Indians on the White Earth Reservation are hereby ratified and confirmed with the like tenure and condition prescribed for all allotments under this act: *Provided, however*, That the amount heretofore allotted to any Indian on White Earth Reservation shall be deducted from the amount of allotment to which he or she is entitled under this act: *Provided further*, That any of the Indians residing on any of said reservations may, in his discretion, take his allotment in severalty under this act on the reservation where he lives at the time of the removal herein provided for is effected, instead of being removed to and taking such allotment on White Earth Reservation.

Survey of ceded lands.

Subdivision into 40-acre lots.

"Pine lands."

SEC. 4. That as soon as the cession and relinquishment of said Indian title has been obtained and approved as aforesaid, it shall be the duty of the Commissioners of the General Land Office to cause the lands so ceded to the United States to be surveyed in the manner provided by law for the survey of public lands, and as soon as practicable after such survey has been made, and the report, field-notes, and plats thereof filed in the General Land Office, and duly approved by the Commissioner thereof, the said Secretary of the Interior, upon notice of the completion of such surveys, shall appoint a sufficient number of competent and experienced examiners, in order that the work may be done within a reasonable time, who shall go upon said lands thus surveyed and personally made a careful, complete, and thorough examination of the same by forty-acre lots, for the purpose of ascertaining on which lots or tracts there is standing or growing pine timber, which tracts on which pine timber is standing or growing for the purposes of this act shall be termed "pine lands," the minutes of such examination to be at the time entered in books provided for that purpose, showing with particularity the amount and quality of all pine timber standing or growing on any lot or tract, the amount of such pine timber to be estimated by feet in the manner usual in estimating such timber, which

Minimum valuations.
New appraisals.
Lists to be filed.

estimates and reports of all such examinations shall be filed with the Commissioner of the General Land Office as a part of the permanent records thereof, and thereupon that officer shall cause to be made a list of all such pine lands, describing each forty-acre lot or tract thereof separately, and opposite each such description he shall place the actual cash value of the same, according to his best judgment and information, but such valuation shall not be at a rate of less than three dollars per thousand feet, board measure of the pine timber thereon, and thereupon such lists of lands so appraised shall be transmitted to the Secretary of the Interior for approval, modification, or rejection, as he may deem proper. If the appraisals are rejected as a whole then the Secretary of the Interior shall substitute a new appraisal and the same or original list as approved or modified shall be filed with the Commissioner of the General Land Office as the appraisal of said lands, and as constituting the minimum price for which said lands may be sold, as hereinafter provided, but in no event shall said pine lands be appraised at a rate of less than three dollars per thousand feet board measure of the pine timber thereon. Duplicate lists of said lands as appraised, together with copies of the field-notes, surveys, and minutes of examinations shall be filed and kept in the office of the register of the land office of the district within which said lands may be situated, and copies of said lists with the appraisals shall be furnished to any person desiring the same upon application to the Commissioner of the General Land Office or to the register of said local land office.

Pay of examiners.

The compensation of the examiners so provided for in this section shall be fixed by the Secretary of the Interior, but in no event shall exceed the sum of six dollars per day for each person so employed, including all expenses.

"Agricultural lands."

All other lands acquired from the said Indians on said reservations other than pine lands are for the purposes of this act termed "agricultural lands."

Sale of pine lands.
Advertisement.
Auction sale.
Private sale.

SEC. 5. That after the survey, examination, and appraisals of said pine lands has been fully completed they shall be proclaimed as in market and offered for sale in the following manner: The Commissioner of the General Land Office shall cause notices to be inserted once in each week for four successive weeks in one newspaper of general circulation published in Minneapolis, Saint Paul, Duluth, and Crookston, Minnesota; Chicago, Illinois; Milwaukee, Wisconsin; Detroit, Michigan; Philadelphia and Williamsport, Pennsylvania; and Boston, Massachusetts, of the sale of said lands at public auction to the highest bidder for cash at the local land office of the district within which said lands are located, said notice to state the time and place and terms of such sale. At such sale said lands shall be offered in forty-acre parcels, except in case of fractions containing either more or less than forty acres, which shall be sold entire. In no event shall any parcel be sold for a less sum than its appraised value. The residue of such lands remaining unsold after such public offering shall thereafter be subject to private sale for cash at the appraised value of the same upon application at the local land office.

Sale of agricultural lands.
To be sold under homestead law.
Proviso.
Price, etc.

SEC. 6. That when any of the agricultural lands on said reservation not allotted under this act nor reserved for the future use of said Indians have been surveyed, the Secretary of the Interior shall give thirty days' notice through at least one newspaper published at Saint Paul and Crookston, in the State of Minnesota, and, at the expiration of thirty days, the said agricultural lands so surveyed, shall be disposed of by the United States to actual settlers only under the provisions of the homestead law: *Provided*, That each settler under and in accordance with the provisions of said homestead laws shall pay to the United States for the land so taken by him the sum of one dollar and twenty-five cents for each and every acre, in five equal annual pay-

Prior entries not disturbed.

Second entries.

ment, and shall be entitled to a patent therefor only at the expiration of five years from the date of entry, according to said homestead laws, and after the full payment of said one dollar and twenty-five cents per acre therefor, and due proof of occupancy for said period of five years; and any conveyance of said lands so taken as a homestead, or any contract touching the same, prior to the date of final entry, shall be null and void: *Provided*, That nothing in this act shall be held to authorize the sale or other disposal under its provision of any tract upon which there is a subsisting, valid, pre-emption or homestead entry, but any such entry shall be proceeded with under the regulations and decisions in force at the date of its allowance, and if found regular and valid, patents shall issue thereon: *Provided*, That any person who has not heretofore had the benefit of the homestead or pre-emption law, and who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws may make a second homestead entry under the provisions of this act.

Funds to be deposited to credit of Chippewa.

Interest.

Distribution of interest.

Schools.

Proviso.
Advances from principal.

Anticipating interest.

Aids to farming.

Reimbursement.

SEC. 7. That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals, in this act provided, be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of five per centum per annum, payable annually for the period of fifty years, after the allotments provided for in this act have been made, and which interest and permanent fund shall be expended for the benefit of said Indians in manner following: One-half of said interest shall, during the said period of fifty years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; and one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians; and the remaining one-fourth of said interest shall, during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said fifty years, the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares: *Provided*, That Congress may, in its discretion, from time to time, during the said period of fifty years, appropriate, for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding five per centum thereof. The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid the sum of ninety thousand dollars annually, counting from the time when the removal and allotments provided for in this act shall have been made, until such time as said permanent fund, exclusive of the deductions hereinbefore provided for, shall equal or exceed the sum of three million dollars, less any actual interest that may in the meantime accrue from accumulations of said permanent fund; the payments of such interest to be made yearly in advance, and, in the discretion of the Secretary of the Interior, may, as to three-fourths thereof, during the first five years be expended in procuring live-stock, teams, farming implements, and seed for such of the Indians to the extent of their shares as are fit and desire to engage in farming, but as to the rest, in cash; and whenever said permanent fund shall exceed the sum of three million dollars the United States shall be fully reimbursed out of such excess, for all the advances of interest made as herein contemplated and other expenses hereunder.

Appropriation.

Statement to be made.

SEC. 8. That the sum of one hundred and fifty thousand dollars is hereby appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to pay for procuring the cession and relinquishment, making the census, surveys, appraisals, removal and allotments, and the first annual payment of interest herein contemplated and provided for, which money shall be expended under the direction of the Secretary of the Interior in conformity with the provisions of this act. A detailed statement of which expenses, except the interest aforesaid, shall be reported to Congress when the expenditures shall be completed.

Approved, January 14, 1889.

Jan. 16, 1889.

25 Stat., 647.

CHAP. 49.—An act granting the right of way through certain lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company.

Moorhead, Leech Lake, Duluth and Northern Railroad Company granted right of way through White Earth Reservation, Minn.

Vol. 2, p. 974.

See note to preceding act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Moorhead, Leech Lake, Duluth and Northern Railroad Company, a corporation organized and existing under the laws of the State of Minnesota, for railroad purposes, through the lands in northern Minnesota set apart for the use of the White Earth band of Chippewas, by treaty dated March nineteenth, anno Domini eighteen hundred and sixty-seven, and Executive orders of March nineteenth, eighteen hundred and seventy-nine, and July thirteenth, eighteen hundred and eighty-three, commonly known as the White Earth Indian Reservation.

Location.

That the line of said railroad shall extend from the city of Moorhead by the most convenient and practicable route in a northeasterly direction through Clay County; thence in an easterly direction through a portion of Becker County, thence into and through the White Earth Indian Reservation, passing Flat Lake and through another portion of Becker County; thence through Hubbard, Cass, Aitkin, and Saint Louis Counties to Duluth.

Width.

Provisos.

Stations.

Lands not to be sold, etc.

Reversion.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Reservation, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of the right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the said band or tribe of Indians from which the same shall have been taken or to the individual allottees, or both as the case may be.

Compensation to allottees.

Appraisement. Referees.

SEC. 3. That before said railway shall be constructed through any lands held by individual allottees of said tribe full compensation shall be made to such allottees for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any allottee, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the

Substitution.

United States, one of the chief of said tribe, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the United States district court for the State of Minnesota, upon the application of the other party. The chairman of the said board shall appoint the time and place for all hearings, within said reservation.

Pay of referees.

Witness, etc., fees.

Appeal.

Awarding costs on appeal.

Commencement.

Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of the United States. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States district court held at Duluth or Saint Paul, Minnesota, which court shall have jurisdiction to hear and determine the subject matter of said petition according to the laws of said State provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, then the costs of said appeal shall be adjudged against the railroad company. If the judgment of the courts shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight rates.

Provisos.
Right to regulate reserved.

Maximum.

Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said reservation a greater rate of freight than the rate authorized by the laws of the State of Minnesota for services or transportation of the same kind: *Provided*, That Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of said tribe, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars

Proviso.
Appeal of council as to allowance.
Award to be in lieu of compensation.
Annual rental.

as each ten miles of road is graded: *Provided*, That if the council of said tribe shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual allottees of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said reservation is owned and occupied by said Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said reservation.

Apportionment.
Proviso.
Taxation.

The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force or hereinafter enacted between the United States and said tribe, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said tribe, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed.
Proviso.
Commencing work.

SEC. 6. That said company shall cause maps showing the route of its located line through said reservation to be filed in the office of the Secretary of the Interior, and also to be filed with the chief of the said tribe and with the agent in charge of the tribe; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Jurisdiction of courts.

SEC. 8. That the United States circuit and district courts for the district of Minnesota, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said company and said tribe or the individual allottees in said tribe and said company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian reservation, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and completion.

SEC. 9. That said railway company shall complete their railway through said reservation within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; and it shall not be necessary in such case, for the forfeiture to be declared by judicial process or legislative enactment; that said railroad company shall construct and maintain continually all road and

Crossings, etc.

highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be, by the proper authorities, laid out across the same.

Condition of acceptance.

SEC. 10. That the said railway company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from said Indian tribe any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said reservation, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, January 16, 1889.

Feb. 12, 1889.
25 Stat., 660.

CHAP. 134.—An act granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian Reservation in Montana Territory.

Big Horn Southern Railroad Company granted right of way through Crow Indian Reservation, Mont.
1889, c. 192, post, p. 479.
Note to 1882, c. 74, ante, p. 196.
Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way is hereby granted, as hereinafter set forth, to the Big Horn Southern Railroad Company, a corporation duly organized and existing under the laws of the Territory of Montana, for the construction, operation, and maintenance of its railroad, telegraph, and telephone line through the lands set apart for the use of the Crow Indians, and commonly known as the Crow Indian Reservation, beginning at a point on the Northern Pacific Railroad, in the vicinity of the mouth of the Big Horn River, in Yellowstone County, Montana Territory; thence by the most practicable route up said Big Horn River to or near the mouth of the Little Big Horn River; thence up said Little Big Horn River to or near the mouth of Owl Creek; thence up said creek to and across the southern boundary-line of said reservation.

Width.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad, as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to said right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of its road, except at the terminus of said road at a point on the Northern Pacific Railroad in the vicinity of the mouth of the Big Horn River, Yellowstone County, Montana, and at such point not to exceed one hundred and sixty acres, or so much thereof as the Secretary of the Interior shall decide to be reasonably necessary for terminal facilities.

Buildings, etc.
Stations.

Compensation.

Surveys, etc., to be approved by Secretary of the Interior.

Proviso. Consent of Indians.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and grounds adjacent thereto, as provided in section two, and provide the time and manner for the payment thereof; and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of way shall vest in said railroad company in or to any of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

Not assignable.

Proviso. Mortgage.

Commencement and completion.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed through that part of said reservation through which it shall be constructed: *Provided*, That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order through said reservation on said line within two years from the passage of this act, or if the consent of the Indians is required under the terms of the proviso to section three of this act, then within two years from the date when such consent shall be obtained as provided in section three of this act.

Condition of acceptance.

Proviso. Violation to forfeit.

SEC. 5. That the said railroad company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railroad company under this act.

Survey.

SEC. 6. That said railroad company shall have the right to survey and locate its road immediately after the passage of this act.

Amendment, etc.

SEC. 7. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, February 12, 1889.

Feb. 13, 1889.

25 Stat., 668.

CHAP. 152.—An act to amend an act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved February eighteenth, eighteen hundred and eighty-eight.

Right of way. Choctaw Coal and Railway Company in Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and

1888, c. 13, ante, p. 256; 1891, c. 249, post, p. 399; 46 Pac. Rep., 506.

for other purposes," approved February eighteenth, eighteen hundred and eighty-eight, be, and hereby is, amended to read as follows:

Change in location.

"That the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on Red River (the southern boundary-line), at the bluff known as Rocky Cliff, in the Indian Territory, and running thence by the most feasible and practicable route through the said Indian Territory to a point on the east boundary-line, immediately contiguous to the west boundary-line of the State of Arkansas; also, a branch line of railway to be constructed from the most suitable point on said main line for obtaining a feasible and practicable route in a westerly or northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company, in Tobucksey County, Choctaw Nation, and thence by the most feasible and practicable route to an intersection with the Atchison, Topeka and Santa Fé Railway at the most convenient point between Halifax Station and Ear Creek, otherwise known as the north fork of the Canadian River; with the right to construct, use, and maintain such tracks, turn-outs, branches, and sidings and extensions as said company may deem it in their interest to construct along and upon the right of way and depot grounds herein provided for."

Approved, February 13, 1889.

Feb. 23, 1889.

25 Stat., 684.

CHAP. 202.—An act granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian Reservation in Dakota.

Yankton and Missouri Valley Railway Company granted right of way through Yankton Indian Reservation, Dak.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Yankton and Missouri Valley Railway Company, a corporation duly organized under the laws of the Territory of Dakota, its successors or assigns, are hereby invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Yankton Indian Reservation in said Territory, beginning at any point to be selected by said railway company on the east line of said reservation between the northeast corner thereof, and a point one mile south of the junction of the west fork of Choteau Creek with the east fork thereof, and running thence westerly or northwesterly through said reservation, but at no point farther than fifteen miles to the south of the northernly boundary thereof: *Provided*, That if said right of way be so located as to begin on the eastern boundary of said reservation at any point south of said fifteen-mile limit, it shall run thence northwesterly so as to come within said fifteen-mile limit at some point not more than ten miles westward from the eastern line of said reservation.

Proviso.

Alternate location.

Width.

Stations, etc.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said reservation, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the

Provisos.

Limit.

Not to be sold, etc.

company, its successors or assigns, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the Indians of said reservation, or, in case they shall have ceased to occupy the same, to the United States: *And provided further*, That before any such lands shall be taken for the purposes aforesaid the consent of the Indians thereto shall be obtained in a manner satisfactory to the President of the United States.

Consent of Indians.

Compensation for property taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the said Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway, the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

Freight rates.

Provisos. Passenger rates.

Regulation of charges.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the Territory of Dakota for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one state into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Maximum rates.

Mails.

Payment to Indians on reservation.

Annual rent.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the Indians of said reservation, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said reservation, said payments to be made in installments of five hundred dollars as each ten miles of road is graded. Said company shall also pay, so long as that part of said reservation through which said right of way may be located is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said reservation. The money paid to the Secretary of the Interior under the provisions of this act shall be expended by him, in accordance with the laws and treaties now in force, for the benefit of said Indians or be paid to them as to him shall seem best: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said Indians, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Such railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Proviso.

Additional taxes.

Secretary of Interior to improve location, etc.

SEC. 6. That said company shall cause maps showing the route of its located line through and station grounds upon said Indian reservation to be filed in the office of the Secretary of the Interior, and that

Proviso.
Regulations.

said location shall be approved by the Secretary of the Interior before any grading or construction on any section or part of said located line shall be begun: *Provided*, That said railway shall be located, constructed, and operated with a due regard for the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Completion.

Crossings, etc.

SEC. 8. That said railway shall be built through said reservation within four years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; and that said railway company shall fence and keep fenced all such portions of its road as may run through any improved lands of the Indians, and also shall construct and maintain continually all road and highway crossings and necessary bridges over said railways wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

Proviso.
Violation to forfeit.

SEC. 9. That the said company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any efforts looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indians any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Mortgages.

SEC. 10. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said reservation, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

Right not assignable.

SEC. 11. That Congress may at any time amend, add to, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Bond.

Litigation.

Proviso.
Moneys recovered.

SEC. 12. That said railway company shall execute a bond to the United States, to be filed with and approved by the Secretary of the Interior, in the penal sum of ten thousand dollars, for the use and benefit of the Indians of said reservation, conditioned for the due payment of any and all damages which may accrue by reason of the killing or maiming of any Indian belonging to said reservation, or of their live-stock, in the construction or operation of said railway, or by reason of fires originating thereby; the damages in all cases, in the event of failure by the railway company to effect an amicable settlement with the parties in interest, to be recovered in any court of the Territory of Dakota having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That all moneys so recovered by the United States attorney under the provisions of this section shall be covered into the Treasury of the United States, to be placed to the credit of the particular Indian or Indians entitled to the same, and to be paid to him or them, or otherwise expended for his or their benefit, under the direction of the Secretary of the Interior.

Approved, February 23, 1889.

Feb. 23, 1889.
25 Stat., 687.

CHAP. 203.—An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi Reservation in Idaho May fourteenth, eighteen hundred and eighty, and for other purposes.[a]

Preamble.
Fort Hall and Lemhi Indian reservations, Idaho.

Whereas certain of the chiefs of the Shoshone, Bannock, and Sheepeater tribes of Indians have agreed upon and submitted to the Secretary of the Interior an agreement for the sale of a portion of their lands in the Territory of Idaho, their settlement upon lands in severalty, and for other purposes: Therefore,

Agreement with Shoshoni and Bannock Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, accepted, ratified, and confirmed. Said agreement is assented to by a duly-certified majority of the adult male Indians of the Shoshone and Bannack tribes occupying or interested in the lands of the Fort Hall Reservation, in conformity with the eleventh article of the treaty with the Shoshones and Bannacks of July third, eighteen hundred and sixty-eight (fifteenth Statutes at Large, page six hundred and seventy), and in words and figures as follows, namely:

Vol. 2, p. 1023.

Surrender of Lemhi Reservation.

First. The chiefs and head men of the Shoshones, Bannacks, and Sheepeaters of the Lemhi Agency hereby agree to surrender their reservation at Lemhi, and to remove and settle upon the Fort Hall Reservation in Idaho, and to take up lands in severalty of that reservation as hereinafter provided.

Surrender of part of Fort Hall Reservation.

Second. The chiefs and head men of the Shoshones and Bannacks of Fort Hall hereby agree to the settlement of the Lemhi Indians upon the Fort Hall Reservation in Idaho, and they agree to cede to the United States the following territory, namely: Beginning where the north line of township nine south intersects with the eastern line of their reservation; thence west with the extension of said line to the Port Neuf River; thence down and with Port Neuf River to where said township line crosses the same; thence west with said line to Marsh Creek; thence up Marsh Creek to where the north line of township number ten south intersects with the same; thence west with said line to the western boundary of said reservation; thence south and with the boundaries of said reservation to the beginning, including also such quantity of the north side of Port Neuf River as H. O. Harkness may be entitled to under existing law, the same to be conformed to the public surveys, so as to include the improvements of said Harkness.

Payment to be made.

Third. In view of the cessions contained in the above articles the United States agrees to pay to the Lemhi Indians the sum of four thousand dollars per annum for twenty years and to the Fort Hall Indians the sum of six thousand dollars per annum for twenty years, the same to be in addition to any sums to which the above-named Indians are now entitled by treaty, and all provisions of existing treaties, so far as they relate to funds, to remain in full force and effect.

Allotments.

Fourth. Allotments in severalty of the remaining lands on the Fort Hall Reservation shall be made as follows:

To each head of family not more than one-quarter of a section, with an additional quantity of grazing land, not exceeding one-quarter of a section.

To each single person over eighteen years, and each other person under eighteen years now living, or may be born prior to said allotments, not more than one-eighth, with an additional quantity of grazing land, not exceeding one-eighth of a section; all allotments to be made with the advice of the agent of the said Indians, or such other person as the Secretary of the Interior may designate for that purpose, upon the selections of the Indians, heads of families selecting for their minor children and the agent making allotments for each orphan child.

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[a] Other agreements with the Shoshoni, etc., are ratified by the acts of December 15, 1874; chapter 2 (ante, p. 153); July 3, 1882, chapter 268 (ante, p. 199); September 1, 1888, chapter 936 (ante, p. 292); June 7, 1897, chapter 3 (post, p. 624), and June 6, 1900 (post, p. 704).

Survey of Fort Hall Reservation.

Fifth. The Government of the United States shall cause the lands of the Fort Hall Reservation above named to be properly surveyed and divided among the said Indians in severalty and in the proportions hereinbefore mentioned, and shall issue patents to them respectively therefor so soon as the necessary laws are passed by Congress. The title to be acquired thereto by the Indians shall not be subject to alienation, lease or incumbrance, either by voluntary conveyance of the grantee, or his heirs, or by the judgment, order or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction, which shall be incorporated in the patent.

Done at the city of Washington this fourteenth day of May, anno Domini one thousand eight hundred and eighty.

Signatures.

Ten Doy, his x mark.
Tesedemit, his x mark.
Grouse Pete, his x mark.
Jack Gibson, his x mark.
Ti Hee, his x mark.
Captain Jim, his x mark.
Jack Ten Doy, his x mark.

Witnesses:
J. F. Stock.
Jos. T. Bender.
A. F. Gentes.
Charles Rainey,
Acting Interpreter.
John A. Wright,
United States Indian Agent.

Allotment in severalty to Indians on Fort Hall Reservation.

Sec. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed a sufficient quantity of land on the Fort Hall Reservation to secure the settlement in severalty to said Indians as provided in said agreement. Upon the completion of said survey, he shall cause allotments of land to be made to each and all of said Indians in quantity and character as set forth in the agreement above mentioned; and upon the approval of said allotments by the Secretary of the Interior, he shall cause patents to issue to each and every allottee for the lands so allotted, with the conditions, restrictions, and limitations mentioned therein as are provided in the agreement.

Patents.

Appropriations.

Sec. 3. That for the purpose of carrying the provisions of this act into effect, the following sums, or so much thereof as may be necessary, be, and the same is hereby, set aside, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, as follows:

For survey.

For the expense of the survey of the land as provided in section second of this act, twelve thousand dollars.

First installment.

For the first of twenty installments as provided in said agreement, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct: For the Lemhi Indians, four thousand dollars, and for the Fort Hall Indians, six thousand dollars.

Expense of removal.

For the expense of removing the Lemhi Indians to the Fort Hall Reservation, five thousand dollars.

Lemhi Reservation.

SEC. 4. That this act, so far as the Lemhi Indians are concerned, shall take effect only when the President of the United States shall have presented to him satisfactory evidence that the agreement herein set forth has been accepted by the majority of all the adult male members of the Shoshone, Bannack, and Sheepeater tribes occupying the Lemhi Reservation, and shall have signified his approval thereof.

Approved, February 23, 1889.

Feb. 25, 1889.

25 Stat., 694.

CHAP. 238.—An act to authorize Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settlers or Western Cherokee Indians.

Old Settlers (Western Cherokee) claims.

To be determined by Court of Claims.

27 Ct. Cls., 1; 148 U.S., 427.

See also Mar. 3, 1883, ante, p. 216; Oct. 1, 1890, post, p. 372; July 6, 1892, post, p. 446; Mar. 2, 1895, post, p. 558; June 28, 1898, s. 25, ante, p. 100.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Claim of that part of the Cherokee Indians, known as the Old Settlers or Western Cherokees, against the United States, which claim was set forth in the report of the Secretary of the Interior to Congress of February third, eighteen hundred and eighty-three (said report being made under act of Congress of August seventh, eighteen hundred and eighty-two), and contained in Executive Document Number Sixty of the second session of the Forty-seventh Congress, be, and the same hereby is, referred to the Court of Claims for adjudication; and jurisdiction is hereby conferred on said court to try said cause, and to determine what sum or sums of money, if any, are justly due from the United States to said Indians, arising from or growing out of treaty stipulations and acts of Congress relating thereto, after deducting all payments heretofore actually made to said Indians by the United States, either in money or property; and after deducting all offsets, counter claims, and deductions of any and every kind and character which should be allowed to the United States under any valid provision or provisions in said treaties and laws contained, or to which the United States may be otherwise entitled, and after fully considering and determining whether or not the said Indians have heretofore adjusted and settled their said claim with the United States, it being the intention of this act to allow the said Court of Claims unrestricted latitude in adjusting and determining the said claim, so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined; and to try and determine all questions that may arise in such cause on behalf of either party thereto and render final judgment thereon; and the Attorney-General is hereby directed to appear in behalf of the Government; and if said court shall decide against the United States, the Attorney-General shall, within sixty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered, the said Indians may also appeal to said Supreme Court: *Provided*, That the appeal of said Indians shall be taken within sixty days after the rendition of said judgment, and said courts shall give such cause precedence: *Provided further*, That nothing in this act shall be accepted or construed as a confession that the Government of the United States is indebted to said Indians.

Attorney-General to appear.

Appeal.

Proviso.

Time for appeal.

No liability confessed.

Form of action.

SEC. 2. That said action shall be commenced by a petition stating the facts on which said Indians claim to recover, and the amount of their claim; and said petition may be verified by the authorized agent or attorney of said Indians as to the existence of such facts, and no other statement need be contained in said petition or verification.

Approved, February 25, 1889.

Feb. 25, 1889.

25 Stat., 696.

Chap. 241.—An act granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian Reservation in the State of Minnesota.

St. Paul, Minneapolis and Manitoba Railway Company granted right of way through White Earth Indian Reservation, Minn.

Width.

Stations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Saint Paul, Minneapolis and Manitoba Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the extension of its railroad through the White Earth Indian Reservation in said State. Such right of way shall be seventy-five feet in width on each side of the central line of said railroad, and said company shall also have the the right to take from the lands adjacent to the line of said road material, stones, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of two stations within the limits of said reservation.

Compensation.

Damages to Chippewa Indians.

Secretary of the Interior to approve location, etc.

Survey.

Sec. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants, according to any treaties or laws of the United States, compensation shall be made to such occupant or claimant for all property to be taken or damage done by reason of the counstruction of said railroad. In case of failure to make satisfactory settlement with any such claimant, the just compensation shall be determined as provided for by the laws of Minnesota enacted for the settlement of like controversies in such cases. The amount of damage resulting to the Chippewa tribe of Indians, in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct and be subject to his final approval; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine-shops, side-tracks, turn-outs and water-stations shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservation to the provisions of this act shall have been first obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon such reservation for the purpose of surveying and locating its line of railroad, provided that said railroad shall be located, constructed, and operated with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Approved, February 25, 1889.

Feb. 26, 1889.

25 Stat., 745.

Chap. 280.—An act granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Arkansas, through the Indian Territory, to or near Baxter Springs, in the State of Kansas.

Fort Smith, Paris and Dardanelle Railway Company may build railroad, telegraph, and telephone line through Indian Territory.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Smith, Paris and Dardanelle Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line from the city of Fort Smith, in the State of Arkansas, through the Indian Territory, to or near the town of Baxter Springs, in Cherokee County, in the State of Kansas, beginning at the said city of Fort Smith, Arkansas; thence running to the Arkansas River, either in the said State of Arkansas, or the Indian Territory, and crossing said river either in the said State or Territory, and thence through said Territory or through said State and Territory, by the most feasible and practicable route, in a northwesterly direction, through the Indian Territory to or near the said town of Baxter Springs, in the State of Kansas, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

Width.

Stations, etc.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory for said line of the Fort Smith, Paris and Dardanelle Railway Company, and to take and use a strip of land two hundred feet in width, with the length of three thousand feet, in addition to the right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Proviso.

Not to be sold, etc.

Damages.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlements with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one, who shall act as chairman, by the President, one by the chief of the nation to which said occupant belongs, and one by the railroad company, who, before upon entering the duties of their appraisements, shall take and subscribe before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appraisement, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the United States court held at Fort Smith, Arkansas, upon the application of the other party. The chairman of said board shall appoint the time and place of all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any cause submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the court of said nation. Costs, including compensation of said referees, shall be made a part of the award, and be paid by such railway company. In case the referees do not agree, then any two

Referees.

Substitution on failure to appoint.

Compensation.

Costs.

Appeal.

Costs on appeal.

Work may begin on depositing double award.

of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, which court shall have jurisdiction to hear and determine the subject matter of the petition, according to the laws of the State of Arkansas, for determining the damage when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same or a less sum than the award made by the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway.

Freight charges.

Provisos.

Passenger rates.

Regulation.

Maximum.

Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services of transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost and transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

Provisos.

Appeal by general councils.

Award to be in lieu of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribes through whose lands said line may be located, the sum of fifty dollars per mile for each mile of road constructed and maintained in said Indian Territory, in addition to compensation provided for in this act for property taken and damages done individual occupants by the construction of said railway, said payment to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section six of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the court upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for such dissenting nation or tribe shall be in lieu of the compensation the said nation or tribe would be entitled to receive under the foregoing provisions. Said company shall also pay, so long as said Territory is occupied by the Indians, to the Secretary of the Interior the sum of

Annual rental.

Taxation.

fifteen dollars per annum for each mile of railway it shall construct and operate in said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railway that may be constructed and operated by said company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose additional taxes upon said railroad as it may deem just and proper for their benefit; and any State or Territory hereafter formed, through which said railway shall have been established, may exercise the like power as to such part of said railway as lies within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed.

Proviso.

Grading to begin on filing maps.

SEC. 6. That said company shall cause maps, showing the route of its located line through said Territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located, and after the filing of said maps no claim for subsequent settlement or improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway's located line is filed, as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in conformity with said intercourse laws.

Litigation.

SEC. 8. That the United States district court for the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, jurisdiction over all controversies arising between said Fort Smith, Paris and Dardanelle Railway Company and the nations, tribes, and individual members of said tribes or nations through whose land or territory said railway shall be constructed. Said courts shall have jurisdiction, without reference to the amount in controversy, over all controversies arising in said nations or tribes and said railway company, and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory without distinction as to citizenship of the parties so far as the same may be necessary to carry out the provisions of this act.

Commencement and completion.

Crossings.

SEC. 9. That said railway company shall build and complete its railway in said Territory within four years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; and it shall not be necessary in such case for a forfeiture to be declared by judicial process or legislative enactment, and that said company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid across the same.

Condition of acceptance.

SEC. 10. That said Fort Smith, Paris and Dardanelle Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that will neither aid, advise, nor assist in any effort looking toward the extinguishing or changing the present tenure of the Indians to their lands, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railway company under this act.

Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad with its franchises that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of said road, except as to mortgage or other lien that may be given or secured therein to aid in the construction thereof.

Right of way to Kansas City, Fort Scott and Gulf Railway Company, repealed.

1886, ch. 744, ante p. 239.

SEC. 13. That an act entitled "An act to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," be, and the same is hereby, repealed.

Approved, February 26, 1889.

Mar. 1, 1889.

25 Stat., 757.

CHAP. 317.—An act to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes.[a]

Agreement with Creek Indians.

Preamble

1889, c. 412, post, p. 341.

Proclamation, post, p. 940.

Vol. 2, pp. 910, 931, 942.

Whereas it is provided by section eight of the act of March third, eighteen hundred and eighty-five, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," "that the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August eleventh, eighteen hundred and sixty-six, March twenty-first, eighteen hundred and sixty-six, and July nineteenth, eighteen hundred and sixty-six; and for that purpose the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress;" and

Whereas William F. Vilas, Secretary of the Interior, by and under the direction of the President of the United States, on the part of the

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[a] Other legislation relative to the Creeks (or Muskogee) is to be found in the following acts: The acts of February 14, 1898, chapter 18 (post p. 627); June 27, 1898, chapter 502 (post p. 645), and March 3, 1899, chapter 453 (post p. 692). The acts of March 1, 1889, chapter 317, supra; February 28, 1898, chapter 517 (post p. 656); March 1, 1901, chapter 676, post p. 729, and June 30, 1902 (post p. 761), ratify agreements with the Creeks.

The act of March 3, 1893, chapter 209 (post p. 498), provides for allotments and that allottees shall become citizens. Provisions respecting membership rolls are found in the agreements above referred to and also in the acts of February 28, 1898, chapter 517 (post p. 656), and May 27, 1902, chapter 888 (ante p. 119). This latter act (post p. 750) also provides for the funding of certain annuities, and (ante p. 120) for the sharing of lands until allotments are completed.

Townsite commissioners are provided for in the act of May 31, 1900, chapter 598 (ante, p. 106), and in the agreement ratified by the act of June 30, 1902, chapter 1323 (post p. 761). By the act of March 3, 1901, chapter 832 (ante p. 112), acts and ordinances of the Creek council are required to be approved by the President.

United States, and the Muscogee (or Creek) Nation of Indians, represented by Pleasant Porter, David M. Hodge, and Esparhecher, delegates and representatives thereto duly authorized and empowered by the principal chief and national council of the said Muscogee (or Creek) Nation, did, on the nineteenth day of January, anno Domini eighteen hundred and eighty-nine, enter into and conclude articles of cession and agreement, which said cession and agreement is in words as follows:

Articles of agreement.

Articles of cession and agreement made and concluded at the city of Washington on the nineteenth day of January in the year of our Lord eighteen hundred and eighty-nine, by and between the United States of America, represented by William F. Vilas, Secretary of the Interior, by and under direction of the President of the United States, and the Muscogee (or Creek) Nation of Indians, represented by Pleasant Porter, David M. Hodge, and Esparhecher, delegates and representatives thereunto duly authorized and empowered by the principal chief and national council of the said Muscogee (or Creek) Nation;

Whereas by a treaty of cession made and concluded by and between the said parties on the fourteenth day of June, eighteen hundred and sixty-six, the said Muscogee (or Creek) Nation, in compliance with the desire of the United States to locate other Indians and freedmen thereon, ceded and conveyed to the United States, to be sold to and used as homes for such other civilized Indians as the United States might choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south, which should be surveyed as provided in the eighth article of the said treaty; the eastern half of the lands of the said Muscogee (or Creek) Nation to be retained by them as a home;

And whereas but a portion of said lands so ceded for such use has been sold to Indians or assigned to their use, and the United States now desire that all of said ceded lands may be entirely freed from any limitation in respect to the use and enjoyment thereof and all claims of the said Muscogee (or Creek) Nation to such lands may be surrendered and extinguished as well as all other claims of whatsoever nature to any territory except the aforesaid eastern half of their domain;

Now, therefore, these articles of cession and agreement by and between the said contracting parties, witness:

Cession of lands by Creek Nation.

I. That said Muscogee (or Creek) Nation, in consideration of the sum of money hereinafter mentioned, hereby absolutely cedes and grants to the United States, without reservation or condition, full and complete title to the entire western half of the domain of the said Muscogee (or Creek) Nation lying west of the division line surveyed and established under the said treaty of eighteen hundred and sixty-six, and also grants and releases to the United States all and every claim, estate, right, or interest of any and every description in or to any and all land and territory whatever, except so much of the said former domain of the said Muscogee (or Creek) Nation as lies east of the said line of division, surveyed and established as aforesaid, and is now held and occupied as the home of said nation.

Payment by United States.

II. In consideration whereof, and of the covenant herein otherwise contained, the United States agree to pay to the said Muscogee (or Creek) Nation the sum of two million two hundred and eighty thousand eight hundred and fifty-seven dollars and ten cents, whereof two hundred and eighty thousand eight hundred and fifty-seven dollars and ten cents shall be paid to the national treasurer of said Muscogee (or Creek) Nation, or to such other person as shall be duly authorized to receive the same, at such times and in such sums after the due ratification of this agreement (as hereinafter provided) as shall be directed and required by the national council of said nation, and the remaining sum of two million dollars shall be set apart and remain in the Treasury of the United States to the credit of the said nation, and shall bear interest at the rate of five per centum per annum from and after the first day of July, 1889, to be paid to the treasurer of said nation and to be judiciously applied under the direction of the legislative council thereof, to the support of their government, the maintenance of schools and educational establishments, and such other objects as may be designed to promote the welfare and happiness of the people of the said Muscogee (or Creek) Nation, subject to the discretionary direction of the Congress of the United States: *Provided*, That the Congress of the United States may at any time pay over to the said Muscogee (or Creek) Nation the whole, or, from time to time, any part of said principal sum, or of any principal sum belonging to said nation held in the Treasury of the United States, and thereupon terminate the obligation of the United States in respect thereto and in respect to any further interest upon so much of said principal as shall be so paid and discharged.

Promotion of education.

III. It is stipulated and agreed that henceforth especial effort shall be made by the Creek Nation to promote the education of the youth thereof and extend their useful knowledge and skill in the arts of civilization; and the said nation agrees that it will devote not less than fifty thousand dollars, annually, of its income, derived hereunder, to the establishment and maintenance of schools and other means calculated to advance the end; and of this annual sum at least ten thousand dollars shall be applied to the education of orphan children of said nation.

Ratification.

IV. These articles of cession and agreement shall be of no force or obligation upon either party until they shall be ratified and confirmed, first, by act of the national council of said Muscogee (or Creek) Nation, and secondly, by the Congress of the United States, nor unless such ratification shall be on both sides made and completed before the first day of July, anno Domini eighteen hundred and eighty-nine.

Former treaties.

V. No treaty or agreement heretofore made and now subsisting is hereby affected, except so far as the provisions hereof supersede and control the same.

In testimony whereof, we, the said William F. Vilas, Secretary of the Interior, on the part of the United States, and the said Pleasant Porter, David M. Hodge, and Esparhecher, delegates of the Muscogee (or Creek) Nation, have hereunto set our hands and seals, at the place and on the day first above written, in duplicate.

[SEAL.] WILLIAM F. VILAS,
Secretary of the Interior.

[SEAL.] PLEASANT PORTER,
[SEAL.] DAVID M. HODGE,
[SEAL.] ESPARHECHER, his x mark.

In presence of:
JOHN P. HUME,
ROBERT V. BELT.

Acceptance by Creek Nation.

Whereas the Muscogee (or Creek) Nation of Indians has accepted, ratified, and confirmed said articles of cession and agreement by act of its national council, approved by the principal chief of said nation on the thirty-first day of January, anno Domini eighteen hundred and eighty-nine, wherein it is provided that the grant and cession of land and territory therein made shall take effect when the same shall be ratified and confirmed by the Congress of the United States of America, Therefore,

Confirmation of cession.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said articles of cession and agreement are hereby accepted, ratified, and confirmed.

Lands acquired to be subject to homestead entry.
47 Fed. Rep., 561.
R. S., s. 2301, p. 421.

SEC. 2. That the lands acquired by the United States under said agreement shall be a part of the public domain, but they shall only be disposed of in accordance with the laws regulating homestead entries, and to the persons qualified to make such homestead entries, not exceeding one hundred and sixty acres to one qualified claimant. And the provisions of section twenty-three hundred and one of the Revised Statutes of the United States shall not apply to any lands acquired under said agreement. Any person who may enter upon any part of said lands in said agreement mentioned prior to the time that the same are opened to settlement by act of Congress shall not be permitted to occupy or to make entry of such lands or lay any claim thereto.

Appropriation.

SEC. 3. That for the purpose of carrying out the terms of said articles of cession and agreement the sum of two million two hundred and eighty thousand eight hundred and fifty-seven dollars and ten cents is hereby appropriated.

Payment to the treasurer of the Creek Nation.
Balance to credit of Creek Nation.
Interest.

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to pay, out of the appropriation hereby made, the sum of two hundred and eighty thousand eight hundred and fifty-seven dollars and ten cents, to the national treasurer of said Muscogee (or Creek) Nation, or to such person as shall be duly authorized to receive the same, at such time and in such sums as shall be directed and required by the national council of said nation, and the Secretary of the Treasury is hereby further authorized and directed to place the remaining sum of two million dollars in the Treasury of the United States to the credit of said Muscogee (or Creek) Nation of Indians, to be held for, and as provided in said articles of cession and agreement, and to bear interest at the rate of five per centum per annum, from and after the first day of July, anno Domini eighteen hundred and eighty-nine; said interest to be paid to the treasurer of said nation annually.

Approved, March 1, 1889.

Mar. 1, 1889.
25 Stat., 768.

CHAP. 321.—An act to provide for the settlement of the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely thereto, and for other purposes.

Lands of Black Bob Shawnee Indians, Kans.
Attorney-General to bring suit.
See note, 1890, c. 1249, post, p. 372.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney-General of the United States shall be, and he is hereby, instructed to cause a suit in equity to be brought in the name of the United States, in the circuit court for the district of Kansas, to quiet and finally settle the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely to said titles.

Parties.

All persons having claims to said lands, or any part thereof, as well as said band of Indians, shall be made parties to said suit, either personally or by representation, as said court may deem convenient, consistently with justice to all the interests involved, and notice of the institution and pendency of said suit, and for the appearance of the parties thereto shall be given, either by personal service or by such publication as the court shall order, or both.

Rights of Indians to be presented.
Decree.

It shall be the duty of the Attorney-General to cause the rights of said band of Indians, and of the individual members thereof, to be duly presented and protected in said suit, and he shall employ counsel to aid in such protection; and any other claimants to said lands, or any part thereof, may appear in said cause personally or by counsel, to defend the same and assert their rights; and said court shall, upon proof and hearing, proceed to determine according to the principles of law and equity, all questions arising in respect to said lands, or any part thereof and decree accordingly, and cause such decree to be carried into execution; and the possession of the lands or parts thereof, respectively, to be delivered to the persons entitled thereto; and upon a final decision of said matters it shall be the duty of the Secretary of the Interior to approve deeds for said lands in conformity to such decision. No objections shall be allowed in said suit in respect to want or misjoinder of parties other than such as are required in this act, or for multifariousness or want of form. The right of appeal to the Supreme Court of the United States shall exist as in other cases.

Appeal.

Jurisdiction, etc., in Indian land cases, Kans.

SEC. 2. That all the provisions of the above section, including those as to notification of parties, as far as the same may be applicable, are hereby extended to all conveyances and transfers of land within the jurisdiction of the United States circuit court for the district of Kansas acquired under Indian treaties with the United States, and covered by deeds of Indian allottees and patentees which the Secretary of the Interior has refused to approve. The said circuit court is hereby empowered and required, in cases properly before it, to hear and determine all questions of inheritance to any of said lands, determine the rightful heirs thereto, and the interest of each heir in and to any such lands, in cases where money has been paid, advanced, or deposited for the transfer of any lands and the title thereto for any cause fails or is imperfect, the circuit court shall inquire and determine as to the rightful application of any such money paid, advanced, or deposited, and shall make such orders, judgments, or decrees in relation thereto as will protect the rights of innocent parties consistently with justice to all interests involved; and said circuit court shall, in all cases properly before it, hear, try, settle, and determine all controversies or disputes between occupants on said lands and the owners or holders of the titles to the same; and all other controversies or disputes in regard to the transfer of any of said lands, the said circuit court shall hear and determine, in every case, according to the principles of law and equity, and enter up judgments, orders, and decrees accordingly, and enforce the same, and on final hearing apportion the costs among the parties as the equity of the case may require.

Descent of property etc.

Former resolution repealed.
20 Stat., 488.

That the joint resolution of March third, eighteen hundred and seventy-nine, entitled "Joint resolution instructing the Attorney-General of the United States to bring suit in the name of the United States, to quiet and settle the titles of the Black Bob band of Shawnee Indians," be, and the same is hereby, repealed: *Provided*, That this act shall not be so construed as to affect the validity of any decree heretofore rendered by the United States circuit court for the district of Kansas under the provisions of said joint resolution, or to impair the power of said court to set aside or amend or correct any such decree, or to divest any part in interest of his right to appeal to the United States Supreme Court within the time limited by law.

Proviso.
Decrees.

Approved, March 1, 1889.

March 2, 1889.

25 Stat., 852.

CHAP. 378.—An act granting right of way to the Forest City and Watertown Railroad Company through the Sioux Indian Reservation.

Forest City and Watertown Railroad Company granted right of way through Sioux Indian Reservation.
1876, c. 289, note, ante, p. 166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Forest City and Watertown Railroad Company, a corporation duly organized under the general incorporation laws of the Territory of Dakota, its successors and assigns, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Sioux Indians and commonly known as the Sioux Indian Reservation, beginning at a point on the west bank of the Missouri River in Dewey County, Dakota, opposite Forest City, Potter County, Dakota Territory, running thence

Location.

by the most practicable route in a southwesterly course between the Cheyenne and Moreau Rivers to the city of Deadwood, Dakota.

Width.

Stations.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of its road.

Compensation to Indians.

Consent of Indians.

Surveys, etc.

Secretary of the Interior to approve location, etc.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until the consent of such Indians as are entitled to such compensation shall be obtained thereto in such manner as the President of the United States shall direct, and until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations shall be filed with and approved by the Secretary of the Interior, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

Not assignable.

Provisos. Mortgages.

Completion.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together wich the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act.

Amendment, etc.

SEC. 5. That Congress shall have at all times power to alter, amend, or repeal this act and revoke all rights hereunder.

Approved, March 2, 1889.

Mar. 2, 1889.

25 Stat., 871.

CHAP. 391.—An act to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes.

Bitter Root Valley, Mont.

Sale of lands assigned to Indians.

See 1872, c. 308, and note, ante, p. 135.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assemled, That the Secretary of the Interior, with the consent of the Indians severally, to whom patents have been issued for lands assigned to them in the Bitter Root Valley, in Montana Territory, under the provisions of an act of Congress approved June fifth, eighteen hundred and seventy-two, entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," or the heirs at law of such Indians, be, and he hereby is, authorized to cause to be appraised and sold, in tracts not exceeding one hundred and sixty acres, all the lands allotted and patented to said Indians; said lands shall be appraised as if in a state of nature, but the enhanced value thereof, by virtue of the settlement and improvement of the surrounding country, shall be considered in ascertaining their

Proviso.
Improvements.

Death of patentee without heirs.

value: *Provided*, That the improvements thereon shall be appraised separate and distinct from land: *Provided, further*, That where any such patentee has died leaving no heirs, the lands and improvements of such deceased patentee shall be appraised and sold in like manner for the common benefit of the tribe to which said patentee belonged.

To be sold in 160 acre tracts.

SEC. 2. That after the appraisement herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land-office, in tracts not exceeding one hundred and sixty acres, which shall be the limit of the amount any one person shall be allowed to purchase, except in cases, if any, where a tract contains a fractional excess over one hundred and sixty acres to the highest bidder: *Provided*, That no portion of said lands shall be sold at less than the appraised value thereof: *Provided*, That the said Secretary may dispose of the same on the following terms as to payment, that is to say, one-third of the price of any tract of land sold under the provisions of this act to be paid by the purchaser on the day of sale, one third in one year, and one-third in two years from said date, with interest on the deferred payments at the rate of five per centum per annum; but in case of default in either of said payments, or the interest thereon, the person so defaulting for a period of sixty days shall forfeit absolutely the right to the tract which he has purchased, with any payment or payments he may have made; and the land thus forfeited shall again be sold as in the first instance: *Provided further*, That before the second or any subsequent payment shall be received, the purchaser shall prove to the satisfaction of the land office that he is actually residing upon the tract of land so purchased, and that he is entitled under the laws of United States to the benefit of the homestead laws.

Provisos.
Minimum price.

Terms of sale.

Purchaser to reside on tract bought.

Disposition of proceeds.

SEC. 3. That the net proceeds derived from the sale of the lands herein authorized shall be placed in the Treasury to the credit of the Indians severally entitled thereto, and the Secretary of the Interior is hereby authorized to pay the same in cash to original allotters and patentees, or the heirs at law of such, or expend the same for their benefit in such manner as he may deem for their best interest.

Patent to issue on full payment.

SEC. 4. That when a purchaser shall have made full payment for a tract of land, as herein provided, and for the improvements thereon, patent shall be issued as in case of public lands under the homestead and preemption laws.

Appropriation for expenses.

SEC. 5. That for the purpose of carrying out the provisions of this act there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, which sum shall be reimbursed pro rata out of the proceeds of the sale of the lands herein authorized.

Indians to remove to Jocko Reservation.

SEC. 6. That in the event of the sale of the lands herein authorized it shall be the duty of the Secretary of the Interior to remove the Indians whose lands shall have been sold to the general reservation, known as the Jocko Reservation, in the Territory of Montana.

SEC. 7. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved, March 2, 1889.

Mar. 2, 1889.

25 Stat., [illegible].

CHAP. 402.—An act to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Arkansas."

Bridge across Poteau River, Ind. T.

1888, c. 390, ante, p. 279.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort

Smith, Arkansas," approved June eighteenth, eighteen hundred and eighty-eight, be amended as follows:

Jurisdiction in litigation.

"That the district court of the United States for the western district of Arkansas, or such other court of the United States as may have jurisdiction over the Indian Territory in which such bridge is located, shall have jurisdiction over all controversies arising between the said Fort Smith and Choctaw Bridge Company and the Choctaw tribe of Indians; and said court shall have like jurisdiction without reference to the amount in controversy over all controversies arising between the individual members of said nation or tribe of Indians and said bridge company; and, also, over all controversies which may arise between the stockholders of said company, and the company between the stockholders; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Nation without distinction as to citizenship of the parties so far as the same may be necessary to carry out the provisions of this act."

Civil jurisdiction of courts extended.

Amendment, etc.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, March 2, 1889.

Mar. 2, 1889.

25 Stat., 888.

CHAP. 405.—An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

Sioux Indian Reservation, Dakota.
Subdivision of.
25 Stat., 94.

Pine Ridge Reservation.
Boundaries.
Dakota.
1891, c. 77, post, p. [illegible].
1876, c. 289, note, ante, p. 166.

1889, c. 424, post, p. 887.
Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following tract of land, being a part of the Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Pine Ridge Agency, in the Territory of Dakota, namely: Beginning at the intersection of the one hundred and third meridian of longitude with the northern boundry of the State of Nebraska; thence north along said meridian to the South Fork of Cheyenne River, and down said stream to the mouth of Battle Creek; thence due east to White River; thence down White River to the mouth of Black Pipe Creek on White River; thence due south to said north line of the State of Nebraska; thence west on said north line to the place of beginning. Also, the following tract of land situate in the State of Nebraska, namely: Beginning at a point on the boundary-line between the State of Nebraska and the Territory of Dakota where the range line between ranges forty-four and forty-five west of the sixth principal meridian, in the Territory of Dakota, intersects said boundary-line; thence east along said boundary-line five miles; thence due south five miles; thence due west ten miles; thence due north to said boundary-line; thence due east along said boundary-line to the place of beginning: *Provided*, That the said tract of land in the State of Nebraska shall be reserved, by Executive order, only so long as it may be needed for the use and protection of the Indians receiving rations and annuities at the Pine Ridge Agency.

Proviso.
Nebraska lands.

Rosebud Reservation.

Boundaries.

SEC. 2. That the following tract of land, being a part of the said Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Rosebud Agency, in said Territory of Dakota, namely: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel to a point due south from the mouth of Black Pipe Creek; thence due north to the mouth of Black Pike Creek; thence down White River to a point intersecting the west line of Gregory County extended north; thence south on said extended west line of Gregory County to the intersection of the south line of Brule County extended west; thence due east on said south line of Brule County extended to the point of beginning in the Missouri River, including entirely within said reservation all islands, if any, in said river.

Standing Rock Reservation.

Boundaries.

SEC. 3. That the following tract of land, being a part of the said Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Standing Rock Agency, in the said Territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River, opposite the mouth of Cannon Ball River; thence down said center of the main channel to a point ten miles north of the mouth of the Moreau River, including also within said reservation all island, if any, in said river; thence due west to the one hundred and second degree of west longitude from Greenwich; thence north along said meridian to its intersection with the South Branch of Cannon Ball River, also known as Cedar Creek; thence down said South Branch of Cannon Ball River to its intersection with the main Cannon Ball River, and down said main Cannon Ball River to the center of the main channel of the Missouri River at the place of beginning.

Cheyenne River Reservation.

Boundaries.

SEC. 4. That the following tract of land, being a part of the said Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Cheyenne River Agency, in the said Territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River, ten miles north of the mouth of the Moreau River, said point being the southeastern corner of the Standing Rock Reservation; thence down said center of the main channel of the Missouri River, including also entirely within said reservation all islands, if any, in said river, to a point opposite the mouth of the Cheyenne River; thence west to said Cheyenne River, and up the same to its intersection with the one hundred and second meridian of longitude; thence north along said meridian to its intersection with a line due west from a point in the Missouri River ten miles north of the mouth of the Moreau River; thence due east to the place of beginning.

Lower Brule Reservation.

Boundaries.

SEC. 5. That the following tract of land, being a part of the said Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Lower Brule Agency, in said Territory of Dakota, namely: Beginning on the Missouri River at Old Fort George; thence running due west to the western boundary of Presho County; thence running south on said western boundary to the forty-fourth degree of latitude; thence on said forty-fourth degree of latitude to western boundary of township number seventy-two; thence south on said township western line to an intersecting line running due west from Fort Lookout; thence eastwardly on said line to the center of the main channel of the Missouri River at Fort Lookout; thence north in the center of the main channel of the said river to the original starting point.

Crow Creek Reservation.

Boundaries.

SEC. 6. That the following tract of land, being a part of the Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Crow Creek Agency, in said Territory of Dakota, namely: The whole of township one hundred and six, range seventy; township one hundred and seven, range seventy-one; township one hundred and eight, range seventy-one; township one hundred and eight, range seventy-two; township one hundred and nine, range seventy-two, and the south half of township one hundred and nine, range seventy-one, and all except sections one, two, three, four, nine, ten, eleven, and twelve of township one hundred and seven, range seventy, and such parts as lie on the east or left bank of the Missouri River, of the following townships, namely: Township one hundred and six, and toseventy-one; township one hundred and seven, range seventy-two; township one hundred and eight, range seventy-three; township one hundred and eight, range seventy-four; township one hundred and eight, range seventy-five; township one hundred and eight, range seventy-six; township one hundred and nine, range seventy-three; township one hundred and nine, range seventy-four; south half of township one hundred and nine, range seventy-five, and township one hundred and seven, range seventy-three; also the west halfhof township one hundred and six, range sixty-nine, and sections sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, and thirty-three, of township one hundred and seven, range sixty-nine.

Santee Sioux in Nebraska.

Allotment of lands to.

Vol. 2, p. 998.

Vol. 2, p. 956.

Proviso.

Former allotments confirmed.

SEC. 7. That each member of the Santee Sioux tribe of Indians now occupying a reservation in the State of Nebraska not having already taken allotments shall be entitled to allotments upon said reserve in Nebraska as follows: To each head of a family, one-quarter of a section; to each single person over eighteen years of age, one-eighth of a section; to each orphan child under eighteen years, one-eighth of a section; to each other person under eighteen years of age now living, one-sixteenth of a section; with title thereto, in accordance with the provisions of article six of the treaty concluded April twenty-ninth, eighteen hundred and sixty-eight, and the agreement with said Santee Sioux approved February twenty-eighth, eighteen hundred and seventy-seven, and rights under the same in all other respects conforming to this act. And said Santee Sioux shall be entitled to all other benefits under this act in the same manner and with the same conditions as if they were residents upon said Sioux Reservation, receiving rations at one of the agencies herein named: *Provided*, That all allotments heretofore made to said Santee Sioux in Nebraska are hereby ratified and confirmed; and each member of the Flandreau band of Sioux Indians is hereby authorized to take allotments on the Great Sioux Reservation, or in lieu therefor shall be paid at the rate of one dollar per acre for the land to which they would be entitled, to be paid out of the proceeds of lands relinquished under this act, which shall be used under the direction of the Secretary of the Interior; and said Flandreau band of Sioux Indians is in all other respects entitled to the benefits of this act the same as if receiving rations and annuities at any of the agencies aforesaid.

Indians to receive lands in severalty when civilized.

Amended, post, p. [illegible].

Allotment.

SEC. 8. That the President is hereby authorized and required, whenever in his opinion any reservation of such Indians, or any part thereof, is advantageous for agricultural or grazing purposes, and the progress in civilization of the Indians receiving rations on either or any of said reservations shall be such as to encourage the belief that an allotment in severalty to such Indians, or any of them, would be for the best interest of said Indians, to cause said reservation, or so much thereof as is necessary, to be surveyed, or re-surveyed, and to allot the lands in said reservation in severalty to the Indians located thereon as aforesaid, in quantities as follows: To each head of a family, three hundred and twenty acres; to each single person over eighteen years of age, one-fourth of a section; to each orphan child under eighteen years of age, one-fourth of a section; and to each other person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-eighth of a

Proviso.

Grazing lands.

section. In case there is not sufficient land in either of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: *Provided*, That where the lands on any reservation are mainly valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual; or in case any two or more Indians who may be entitled to allotments shall so agree, the President may assign the grazing lands to which they may be entitled to them in one tract, and to be held and used in common.

Selections to be made by Indians.

Provisos.

Selections to be made within five years.

Not compulsory.

SEC. 9. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act: *Provided*, That if any one entitled to an allotment shall fail to make a selection within five years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner: *Provided*, That these sections as to the allotments shall not be compulsory without the consent of the majority of the adult members of the tribe, except that the allotments shall be made as provided for the orphans.

Special agents to make allotments.

SEC. 10. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office.

Patents to issue.

Lands held in trust for twenty-five years.

Citizenship, etc.
Ante p. [illegible]

SEC. 11. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottee, which patents shall be of the legal effect, and declare that the United States does and will hold the lands thus allotted for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs, as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever, and patents shall issue accordingly. And each and every allottee under this act shall be entitled to all the rights and privileges and be subject to all the provisions of section six of the act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians and for other

Extending trust period.

State or Territory law to regulate descent, etc.

purposes." *Provided*, That the President of the United States may in any case, in his discretion, extend the period by a term not exceeding ten years; and if any lease or conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such lease or conveyance or contract shall be absolutely null and void: *Provided further*, That the law of descent and partition in force in the State or Territory where the lands may be situated shall apply thereto after patents therefor have been executed and delivered. Each of the patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottee entitled thereto.

Purchase of lands not allotted.

Proviso.

To be held for actual settlers.

Homestead patents.

Purchase money.

Record of patents.

SEC. 12. That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which said reservation is held of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress: *Provided, however*, That all lands adapted to agriculture, with or without irrigation, so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers, and shall be disposed of by the United States to actual and bona-fide settlers only in tracts not exceeding one hundred and sixty acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: *And provided further*, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void. And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservation belonged; and the same, with interest thereon at five per centum per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians, or the members thereof. The patents aforesaid shall be recorded in the General Land Office, and afterward, delivered, free of charge, to the allottee entitled thereto.

Indians not residing on new reservations.

Allotment to Ponca.

Increased.

SEC. 13. That any Indian receiving and entitled to rations and annuities at either of the agencies mentioned in this act at the time the same shall take effect, but residing upon any portion of said Great Reservation not included in either of the separate reservations herein established, may, at his option, within one year from the time when this act shall take effect, and within one year after he has been notified of his said right of option in such manner as the Secretary of the Interior shall direct by recording his election with the proper agent at the agency to which he belongs, have the allotment to which he would be otherwise entitled on one of said separate reservations upon the land where such Indian may then reside, such allotment in all other respects to conform to the allotments hereinbefore provided. Each member of the Ponca tribe of Indians now occupying a part of the old Ponca Reservation, within the limits of the said Great Sioux Reservation, shall be entitled to allotments upon said old Ponca Reservation as follows: To each head of a family, three hundred and twenty acres;

to each single person over eighteen years of age, one-fourth of a section; to each orphan child under eighteen years of age, one-fourth of a section; and to each other person under eighteen years of age now living, one-eighth of a section, with title thereto and rights under the same in all other respects conforming to this act. And said Poncas shall be entitled to all other benefits under this act in the same manner and with the same conditions as if they were a part of the Sioux Nation receiving rations at one of the agencies herein named. When allotments to the Ponca tribe of Indians and to such other Indians as allotments are provided for by this act shall have been made upon that portion of said reservation which is described in the act entitled "An act to extend the northern boundary of the State of Nebraska," approved March twenty-eighth, eighteen hundred and eighty-two, the President shall, in pursuance of said act, declare that the Indian title is extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in said act of March twenty-eighth, eighteen hundred and eighty-two, shall be open to settlement as provided in this act: *Provided*, That the allotments to Ponca and other Indians authorized by this act to be made upon the land described in the said act entitled "An act to extend the northern boundary of the State of Nebraska," shall be made within six months from the time this act shall take effect.

22 Stat., 36.

Indian title extinguished.

Proviso.
Time for allotments.

SEC. 14. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation created by this act available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such Indian reservation created by this act; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

Irrigation.

SEC. 15. That if any Indian has, under and in conformity with the provisions of the treaty with the Great Sioux Nation concluded April twenty-ninth, eighteen hundred and sixty-eight, and proclaimed by the President February twenty-fourth, eighteen hundred and sixty-nine, or any existing law, taken allotments of land within or without the limits of any of the separate reservations established by this act, such allotments are hereby ratified and made valid, and such Indian is entitled to a patent therefor in conformity with the provisions of said treaty and existing law and of the provisions of this act in relation to patents for individual allotments.

Ratification of prior allotments.
Vol. 2, p. 998.

SEC. 16. That the acceptance of this act by the Indians in manner and form as required by the said treaty concluded between the different bands of the Sioux Nation of Indians and the United States, April twenty-ninth, eighteen hundred and sixty-eight, and proclaimed by the President February twenty fourth, eighteen hundred and sixty-nine, as hereinafter provided, shall be taken and held to be a release of all title on the part of the Indians receiving rations and annuities on each of the said separate reservations, to the lands described in each of the other separate reservations so created, and shall be held to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April twenty-ninth, eighteen hundred and sixty eight. This release shall not affect the title of any individual Indian to his separate allotment on land not included in any of said separate reservations provided for in this act, which title is hereby confirmed, nor any agreement heretofore made with the Chicago, Milwaukee and Saint Paul Railroad Company or the Dakota Central Railroad

Acceptance of this act to release Indian titles.

Vol. 2, p. 998.

Titles of individual Indians unaffected.

1891, ch. 561, s. 22, 26 Stat., 1099.

Rights of way.

Proviso.

Payments by railroad companies.

To be used for railway purposes only.

Payments.

Locations to be made in nine months.

Construction and completion of road.

Company for a right of way through said reservation; and for any lands acquired by any such agreement to be used in connection therewith, except as hereinafter provided; but the Chicago, Milwaukee and Saint Paul Railway Company and the Dakota Central Railroad Company shall, respectively, have the right to take and use, prior to any white person, and to any corporation, the right of way provided for in said agreements, with not to exceed twenty acres of land in addition to the right of way, for stations for every ten miles of road; and said companies shall also, respectively, have the right to take and use for right of way, side-track, depot and station privileges, machine-shop, freight-house, round house, and yard facilities, prior to any white person, and to any corporation or association, so much of the two separate sections of land embraced in said agreements; also, the former company so much of the one hundred and eighty-eight acres, and the latter company so much of the seventy five acres, on the east side of the Missouri River, likewise embraced in said agreements, as the Secretary of the Interior shall decide to have been agreed upon and paid for by said railroad, and to be reasonably necessary upon each side of said river for approaches to the bridge of each of said companies to be constructed across the river, for right of way, side-track, depot and station privileges, machine-shop, freight house, round-house, and yard facilities, and no more: *Provided*, That the said railway companies shall have made the payments according to the terms of said agreements for each mile of right of way and each acre of land for railway purposes, which said companies take and use under the provisions of this act, and shall satisfy the Secretary of the Interior to that effect: *Provided further*, That no part of the lands herein authorized to be taken shall be sold or conveyed except by way of sale of, or mortgage of the railway itself. Nor shall any of said lands be used directly or indirectly for town site purposes, it being the intention hereof that said lands shall be held for general railway uses and purposes only, including stock yards, warehouses, elevators, terminal and other facilities of and for said railways: but nothing herein contained shall be construed to prevent any such railroad company from building upon such lands houses for the accommodation or residence of their employees, or leasing grounds contiguous to its tracks for warehouse or elevator purposes connected with said railways: *And provided further*, That said payments shall be made and said conditions performed within six month after this act shall take effect: *And provided further*, That said railway companies and each of them shall, within nine months after this act takes effect, definitely locate their respective lines of road, including all station grounds and terminals across and upon the lands of said reservation designated in said agreements, and shall also, within the said period of nine months, file with the Secretary of the Interior a map of such definite location, specifying clearly the line of road the several station grounds and the amount of land required for railway purposes, as herein specified, of the said separate sections of land and said tracts of one hundred and eighty-eight acres and seventy-five acres, and the Secretary of the Interior shall, within three months after the filing of such map, designate the particular portions of said sections and of said tracts of land which the said railway companies respectively may take and hold under the provisions of this act for railway purposes. And the said railway companies, and each of them, shall, within three years after this act takes effect, construct, complete, and put in operation their said lines of road; and in case the said lines of road are not definitely located and maps of location filed within the periods hereinbefore provided, or in case the said lines of road are not constructed, completed, and put in operation within the time herein provided, then, and in either case, the lands granted for right of way, station grounds, Forfeiture.

or other railway purposes, as in this act provided, shall, without any further act or ceremony, be declared by proclamation of the President forfeited, and shall, without entry or further action on the part of the United States, revert to the United States and be subject to entry under the other provisions of this act; and whenever such forfeiture occurs the Secretary of the Interior shall ascertain the fact and give due notice thereof to the local land officers, and thereupon the lands so forfeited shall be open to homestead entry under the provisions of this act.

Schools, etc
Vol. 2, p. 998.

Purchase of cattle.

Provisos.
Allotment of stock.
Amendment, post, p. 598.

Punishment for trading, etc.

Seed, etc.

Appropriation for permanent fund.

Distribution of interest.

SEC. 17. That it is hereby enacted that the seventh article of the said treaty of April twenty-ninth, eighteen hundred and sixty-eight, securing to said Indians the benefits of education, subject to such modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education, shall continue in force for twenty years from and after the time this act shall take effect; and the Secretary of the Interior is hereby authorized and directed to purchase, from time to time, for the use of said Indians, such and so many American breeding cows of good quality, not exceeding twenty-five thousand in number, and bulls of like quality, not exceeding one thousand in number, as in his judgment can be under regulations furnished by him, cared for and preserved, with their increase, by said Indians: *Provided*, That each head of family or single person over the age of eighteen years, who shall have or may hereafter take his or her allotment of land in severalty, shall be provided with two milch cows, one pair of oxens, with yoke and chain, or two mares and one set of harness in lieu of said oxen, yoke and chain, as the Secretary of the Interior may deem advisable, and they shall also receive one plow, one wagon, one harrow, one hoe, one axe, and one pitchfork, all suitable to the work they may have to do, and also fifty dollars in cash; to be expended under the direction of the Secretary of the Interior in aiding such Indians to erect a house and other buildings suitable for residence or the improvement of his allotment; no sales, barters or bargains shall be made by any person other than said Indians with each other, of any of the personal property hereinbefore provided for, and any violation of this provision shall be deemed a misdemeanor and punished by fine not exceeding one hundred dollars, or imprisonment not exceeding one year or both in the discretion of the court; That for two years the necessary seeds shall be provided to plant five acres of ground into different crops, if so much can be used, and provided that in the purchase of such seed preference shall be given to Indians who may have raised the same for sale, and so much money as shall be necessary for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated; and in addition thereto there shall be set apart, out of any money in the Treasury not otherwise appropriated, the sum of three millions of dollars, which said sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund, the interest of which, at five per centum per annum, shall be appropriated, under the direction of the Secretary of the Interior, to the use of the Indians receiving rations and annuities upon the reservations created by this act, in proportion to the numbers that shall so receive rations and annuities at the time this act takes effect, as follows: One-half of said interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and the other half thereof in such manner and for such purposes, including reasonable cash payments per capita as, in the judgment of said Secretary, shall, from time to time, most contribute to the advancement of said Indians in civilization and self-support; and the Santee Sioux, the Flandreau Sioux, and the Ponca Indians shall be included in the benefits of said permanent fund, Employment of farmers, etc.

Final distribution.

as provided in sections seven and thirteen of this act: *Provided*, That after the Government has been reimbursed for the money expended for said Indians under the provisions of this act, the Secretary of the Interior may, in his discretion, expend, in addition to the interest of the permanent fund, not to exceed ten per centum per annum of the principal of said fund in the employment of farmers and in the purchase of agricultural implements, teams, seeds, including reasonable cash payments per capita, and other articles necessary to assist them in agricultural pursuits, and he shall report to Congress in detail each year his doings hereunder. And at the end of fifty years from the passage of this act, said fund shall be expended for the purpose of promoting education, civilization, and self-support among said Indians, or otherwise distributed among them as Congress shall from time to time thereafter determine.

Lands occupied for religious purposes.

Santee Normal Training School.

SEC. 18. That if any land in said Great Sioux Reservation is now occupied and used by any religious society for the purpose of missionary or educational work among said Indians, whether situate outside of or within the lines of any reservation constituted by this act, or if any such land is so occupied upon the Santee Sioux Reservation, in Nebraska, the exclusive occupation and use of said land, not exceeding one hundred and sixty acres in any one tract, is hereby, with the approval of the Secretary of the Interior, granted to any such society so long as the same shall be occupied and used by such society for educational and missionary work among said Indians; and the Secretary of the Interior is hereby authorized and directed to give to such religious society patent of such tract of land to the legal effect aforesaid; and for the purpose of such educational or missionary work any such society may purchase, upon any of the reservations herein created, any land not exceeding in any one tract one hundred and sixty acres, not interfering with the title in severalty of any Indian, and with the approval of and upon such terms, not exceeding one dollar and twenty-five cents an acre, as shall be prescribed by the Secretary of the Interior. And the Santee Normal Training School may, in like manner, purchase for such educational or missionary work on the Santee Reservation, in addition to the foregoing, in such location and quantity, not exceeding three hundred and twenty acres, as shall be approved by the Secretary of the Interior.

Treaty provisions not conflicting continued.

Vol. 2, p. 998.

SEC. 19. That all the provisions of the said treaty with the different bands of the Sioux Nation of Indians concluded April twenty-ninth, eighteen hundred and sixty-eight, and the agreement with the same approved February twenty-eighth, eighteen hundred and seventy-seven, not in conflict with the provisions and requirements of this act, are hereby continued in force according to their tenor and limitation, anything in this act to the contrary notwithstanding.

Schoolhouses.

Proviso.

White children.

SEC. 20. That the Secretary of the Interior shall cause to be erected not less than thirty school-houses, and more, if found necessary, on the different reservations, at such points as he shall think for the best interests of the Indians, but at such distance only as will enable as many as possible attending schools to return home nights, as white children do attending district schools: *And provided*, That any white children residing in the neighborhood are entitled to attend the said school on such terms as the Secretary of the Interior may prescribe.

Lands outside of separat. reservations restored to public domain.

Exceptions.

R. S., s. 2301.

Proviso.

Price increased.

SEC. 21. That all the lands in the Great Sioux Reservation outside of the separate reservations herein described are hereby restored to the public domain, except American Island, Farm Island, and Niobrara Island, and shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law (except section two thousand three hundred and one thereof) and under the law relating to town-sites: *Provided*, That each settler, under and in accordance with the provisions of said homestead acts, shall pay to the United States, for the land so taken by him, in addition to the fees

Soldiers' homesteads.
R. S., ss. 2304, 2305.

Lands unsold to be bought by Government.

Highways, etc.

American Island donated to Chamberlain, Dak., for a public park.

Farm Island donated to Pierre, Dak., for a public park.

Niobrara Island donated to Niobrara, Nebr., for a public park.

provided by law, the sum of one dollar and twenty-five cents per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of seventy-five cents per acre for all lands disposed of within the next two years following thereafter, and fifty cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums: but the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to said sums: *Provided*, That all lands herein opened to settlement under this act remaining undisposed of at the end of ten years from the taking effect of this act shall be taken and accepted by the United States and paid for by said United States at fifty cents per acre, which amount shall be added to and credited to said Indians as part of their permanent fund, and said lands shall thereafter be part of the public domain of the United States, to be disposed of under the homestead laws of the United States, and the provisions of this act; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of final entry, shall be null and void: *Provided*, That there shall be reserved public highways four rods wide around every section of land allotted, or opened to settlement by this act, the section lines being the center of said highways; but no deduction shall be made in the amount to be paid for each quarter-section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey. *And provided further*, That nothing in this act contained shall be so construed as to affect the right of Congress or of the government of Dakota to establish public highways, or to grant to railroad companies the right of way through said lands, or to exclude the said lands, or any thereof, from the operation of the general laws of the United States now in force granting to railway companies the right of way and depot grounds over and upon the public lands, American Island, an island in the Missouri River, near Chamberlain, in the Territory of Dakota, and now a part of the Sioux Reservation, is hereby donated to the said city of Chamberlain: *Provided further*, That said city of Chamberlain shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only. Farm Island, an island in the Missouri River near Pierre, in the Territory of Dakota, and now a part of the Sioux Reservation, is hereby donated to the said city of Pierre: *Provided further*, That said city of Pierre shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only. Niobrara Island, an island in the Niobrara River, near Niobrara, and now a part of the Sioux Reservation, is hereby donated to the said city of Niobrara: *Provided further*, That the said city of Niobrara, shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only: *And provided further*, That if any full or mixed blood Indian of the Sioux Nation shall have located upon Farm Island, American Island, or Niobrara Island before the date of the passage of this act, it shall be the duty of the Secretary of the Interior, within three months from the time this act shall have taken effect, to cause all improvements made by any such Indian so located upon either of said islands, and all damage that may accrue to him by a removal therefrom, to be appraised, and upon the payment of the sum so determined, within six months after notice thereof by the city to which the island is herein donated to such Indian, said Indian shall be required to remove from said island, and shall be entitled to select instead of such location his allotment according to the provisions of this act upon any of the reservations herein established, or upon any land opened to settlement by this act not already located upon.

Removal of Indians from islands.

See amendment, post, p. 570.

Disposition of proceeds of sales.

SEC. 22. That all money accruing from the disposal of lands in conformity with this act shall be paid into the Treasury of the United States and be applied solely as follows: First, to the reimbursement of the United States for all necessary actual expenditures contemplated and provided for under the provisions of this act, and the creation of the permanent fund hereinbefore provided; and after such reimbursement to the increase of said permanent fund for the purposes hereinbefore provided.

Settlers on Crow Creek and Winnebago reservations may re-enter on lands.

SEC. 23. That all persons who, between the twenty-seventh day of February, eighteen hundred and eighty-five, and the seventeenth day of April, eighteen hundred and eighty-five, in good faith, entered upon or made settlements with intent to enter the same under the homestead or pre-emption laws of the United States upon any part of the Great Sioux Reservation lying east of the Missouri River, and known as the Crow Creek and Winnebago Reservation, which, by the President's proclamation of date February twenty-seventh, eighteen hundred and eighty-five, was declared to be open to settlement, and not included in the new reservation established by section six of this act, and who, being otherwise legally entitled to make such entries, located or attempted to locate thereon homestead, pre-emption, or town site claims, by actual settlement and improvement of any portion of such lands, shall, for a period of ninety days after the proclamation of the President required to be made by this act, have a right to re-enter upon said claims and procure title thereto under the homestead or pre-emption laws of the United States, and complete the same as required therein, and their said claims shall, for such time, have a preference over later entries; and when they shall have in other respects shown themselves entitled and shall have complied with the law regulating such entries, and, as to homesteads, with the special provisions of this act, they shall be entitled to have said lands, and patents therefor shall be issued as in like cases: *Provided*, That pre-emption claimants shall reside on their lands the same length of time before procuring title as homestead claimants under this act. The price to be paid for town-site entries shall be such as is required by law in other cases, and shall be paid into the general fund provided for by this act.

Proviso.
Pre-emption settlers.

School lands.

SEC. 24. That sections sixteen and thirty-six of each township of the lands open to settlement under the provisions of this act, whether surveyed or unsurveyed, are hereby reserved for the use and benefit

12 Stat., 243.

Proviso.
Payment for.

of the public schools, as provided by the act organizing the Territory of Dakota; and whether surveyed or unsurveyed said sections shall not be subject to claim, settlement, or entry under the provision of this act or any of the land laws of the United States: *Provided, however*, That the United States shall pay to said Indians, out of any moneys in the Treasury not otherwise appropriated, the sum of one dollar and twenty-five cents per acre for all lands reserved under the provisions of this section.

Appropriation for surveying.

SEC. 25. That there is hereby appropriated the sum of one hundred thousand dollars, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be applied and used towards surveying the lands herein described as being opened for settlement, said sum to be immediately available; which sum shall not be deducted from the proceeds of lands disposed of under this act.

SEC. 26. That all expenses for the surveying, platting, and disposal of the lands opened to settlement under this act shall be borne by the United States, and not deducted from the proceeds of said lands.

Payment for ponies, Red Cloud and Red Leaf bands.

SEC. 27. That the sum of twenty-eight thousand two hundred dollars, or so much thereof as may be necessary, be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to pay to such individual Indians of the Red Cloud and Red Leaf bands of Sioux as he shall ascertain to have been deprived by the authority of the United States of ponies in the year eighteen hundred and seventy-six, at the rate of forty dollars for each pony; and he is hereby authorized to employ such agent or agents as he may deem necessary in ascertaining such facts as will enable him to carry out this provision, and to pay them therefor such sums as shall be deemed by him fair and just compensation: *Provided*, That the sum paid to each individual Indian under this provision shall be taken and accepted by such Indian in full compensation for all loss sustained by such Indian in consequence of the taking from him of ponies as aforesaid: *And provided further*, That if any Indian entitled to such compensation shall have deceased, the sum to which such Indian would be entitled shall be paid to his heirs-at-law, according to the laws of the Territory of Dakota.

Provisos.
To be accepted in full.

Acceptance by Indians.

SEC. 28. That this act shall take effect, only, upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians, in manner and form prescribed by the twelfth article of the treaty between the United States and said Sioux Indians concluded April twenty-ninth, eighteen hundred and sixty-eight, which said acceptance and consent, shall be made known by proclamation by the President of the United States, upon satisfactory proof presented to him, that the same has been obtained in the manner and form required, by said twelfth article of said treaty; which proof shall be presented to him within one year from the passage of this act; and upon failure of such proof and proclamation this act becomes of no effect and null and void.

Proclamation.

Appropriation.

SEC. 29. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty five thousand dollars, or so much thereof as may be necessary which sum shall be expended, under the direction of the Secretary of the Interior, for procuring the assent of the Sioux Indians to this act provided in section twenty-seven.

Repeal.

SEC. 30. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, March 2, 1889.

Mar. 2, 1889.

25 Stat., 980.

CHAP. 412.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

[25 Stat., 1004.]
Seminole lands.

SEMINOLE LANDS.

Payment for. See note to 1896, c. 542; post, p. 662.

1890, May 2, ch. 182, sec. 12, ante p. 46.

Vol. 2, p. 911.

SEC. 12. That the sum of one million nine hundred and twelve thousand nine hundred and forty-two dollars and two cents be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article three of the treaty between the United States and said nation of Indians, which was concluded June fourteenth, eighteen hundred and sixty-six, and proclaimed August sixteenth, eighteen hundred and sixty-six, and which land was then estimated to contain two million one hundred and sixty-nine thousand and eighty acres, but which is now, after survey, ascertained to contain two million thirty-seven thousand four hundred and fourteen and sixty-two hundredths acres, said sum of money to be paid as follows: One million five hundred thousand dollars to remain in the Treasury of the United States to the credit of said nation of Indians and to bear interest at the rate of five per centum per annum from July first, eighteen hundred and eighty nine, said interest to be paid semi-annually to the treasurer of said nation, and the sum of four hundred and twelve thousand nine hundred and forty-two dollars and twenty cents to be paid to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation, to be immediately available; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, specially empowered so to do, of a release and conveyance to the United States of all the right, title, interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply, but such release conveyance, and extinguishment shall not inure to the benefit of or cause to vest in any railroad company any right, title, or interest whatever in or to any of said lands, and all laws and parts of laws so far as they conflict with the foregoing, are hereby repealed, and all grants or pretended grants of said lands or any interest or right therein now existing in or on behalf of any railroad company, except rights of way and depot grounds, are hereby declared to be forever forfeited for breach of condition.

Manner of payment.
Trust fund.
Interest.
Conveyance.
Not to vest title in any railroad company.
Rights of way.

Lands to become part of public domain.

SEC. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided, and sections sixteen and thirty-six of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, to be established within the limits of said lands under such conditions and regulations as may be hereafter enacted by Congress.

School reservations.

To be disposed of to actual settlers only.

That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections shall be disposed of to actual settlers under the homestead laws only, except as

R. S., sec. 2301, p. 421.

Provisos.
Homestead entries.

Rights of soldiers and sailors.

R. S., secs. 2304, 2305, p. 422.

Limit, etc.

No person permitted to enter till proclamation issues.

herein otherwise provided (except that section two thousand three hundred and one of the Revised Statutes shall not apply): *And provided further*, That any person who having attempted to, but for any cause, failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged: *And provided further*, That each entry shall be in square form as nearly as practicable and no person be permitted to enter more than one-quarter section thereof, but until said lands are opened for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

Town sites.

R. S., secs. 2387, 2388, p. 437.

The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for town-sites, under sections twenty-three hundred and eighty-seven and twenty-three hundred and eighty-eight of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

Provisions applicable to Creek lands.

1889, c. 317, ante, p. 321.

That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians including the provisions pertaining to forfeiture shall apply to and regulate the disposal of the lands acquired from the Muscogee or Creek Indians by articles of cession and agreement made and concluded at the city of Washington on the nineteenth day of January in the year of our Lord eighteen hundred and eighty-nine.

Negotiations for cession of lands of Cherokee, etc., in Indian Territory.

See note to act of May 11, 1872, ante, p. 131.

Report.

Expenses.

Proviso.
Proposition to be submitted.

Ante, p. 322.

If accepted, lands to become part of public domain.

Proclamation.

SEC. 14. The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session and to the council or councils of the nation or nations, tribe or tribes, agreeing to the same for ratification, and for this purpose the sum of twenty-five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, to be immediately available: *Provided*, That said Commission is further authorized to submit to the Cherokee nation the proposition that said nation shall cede to the United States in the manner and with the effect aforesaid, all the rights of said nation in said lands upon the same terms as to payment as is provided in the agreement made with the Creek Indians of date January nineteenth, eighteen hundred and eighty-nine, and ratified by the present Congress; and if said Cherokee nation shall accept, and by act of its legislative authority duly passed, ratify the same, the said lands shall thereupon become a part of the public domain for the purpose of such disposition as is herein provided, and the President is authorized as soon thereafter as he may deem advisable, by proclamation open said lands to settlement in the same manner and to the same effect, as in this act provided concerning the lands acquired from said Creek Indians, but until said lands are opened for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto.

Land districts to be created.

Expenses.

SEC. 15. That the President may whenever he deems it necessary create not to exceed two land districts embracing the lands which he may open to settlement by proclamation as hereinbefore provided, and he is empowered to locate land offices for the same appointing thereto in conformity to existing law registers and receivers and for the purpose of carrying out this provision five thousand dollars or so much thereof as may be necessary is hereby appropriated.

Approved, March 2, 1889.

Mar. 2, 1889.

25 Stat., 1010.

CHAP. 416.—An act granting to the Duluth and Winnipeg Railway Company the right of way through the Leech Lake and White Earth Indian Reservations in the State of Minnesota.

Duluth and Winnipeg Railway Company granted right of way through Leech Lake and White Earth Indian Reservations, Minnesota.

Location.

Width.

Stations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Duluth and Winnipeg Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the extension of its railroad through the Leech Lake and White Earth Indian Reservations in said State: Commencing at Duluth and running by the most practicable route to some point on the international boundary-line between the Lake of the Woods and the Red River of the North. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station for each six miles of road within the limits of said reservations.

Compensation for damages, etc.

Litigation.

Payment to Indians.

Secretary of Interior to approve location, etc.

Survey.

Proviso.

Regulations.

SEC. 2. That before said railway shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make satisfactory settlement with any such claimant, the just compensation shall be determined as provided for by the laws of Minnesota, enacted for the settlement of like controversies in such cases. The amount of damages resulting to the tribe or tribes of Indians pertaining to said reservations in their tribal capacity by reason of the construction of said railway through such lands of the reservations as are not occupied in severalty shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey, for the definite location of such railroad, and including the grounds for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservations to the provisions of this act shall have been first obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon such reservations for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

Completion.

SEC. 3. That the right herein granted shall be forfeited by said company unless the road is constructed through said reservations within three years.

Amendment.

SEC. 4. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, March 2, 1889.

Mar. 2, 1889.

25 Stat., 1012.

CHAP. 421.—An act for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian Reservation in Minnesota.

Red Pipestone Indian Reservation, Minn. 1876, c. 289, note, ante, p. 166.

Appraisal of lands to be made.

Right of way reserved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to appoint three discreet persons, at least one of whom shall be a resident and freeholder of the State of Minnesota, to appraise and report to him the actual value, exclusive of improvements, of all the lands embraced within the exterior limits of the Red Pipestone Indian Reservation in the State of Minnesota, save and except the southwest quarter of section one, in township one hundred and six north, of range forty-six west, and also the actual value of the strip of land one hundred feet in width over and across said reservation, now occupied by the Cedar Rapids, Iowa Falls and Northwestern Railway Company, as well as the damage to the balance of the lands of said reservation by reason of the taking and occupying of said strip for railroad purposes; and said commissioners shall also appraise and report the value of any improvements that may be found on any of said lands with the name of the person who made the same.

Prior right to former dispossessed settlers.

Auction sale of land.

SEC. 2. That any person who has heretofore resided on and made improvements on any of said lands, but who was compelled by the military authorities of the United States to abandon the same, shall be entitled to the prior right for the period of six months after the filing of the said report, to enter and purchase the land (not exceeding one hundred and sixty acres) so occupied and improved by such person at the price at which the same was appraised by said commissioners, exclusive of improvements. But if the person entitled to make such purchase shall fail to avail himself of his prior right within the time stated, then the Secretary of the Interior shall cause said lands, or such thereof as remain unentered, to be sold to the highest bidder, and at a price not less than the appraised valuation of such lands and improvements; such sale to be held at the local land office for the district in which they are located; and the said railroad company shall be entitled to enter and purchase the aforesaid strip of land of the width aforesaid, now occupied by its roadbed by paying the amount so assessed as the value thereof together with the amount of damages assessed as aforesaid.

Consent of Indians requisite.

Patents to issue.

Proceeds.

SEC. 3. This act shall take effect and be in force and authorize the entry and sale of the said right of way, or of any tract or parcel of land so appraised, so soon as, and not until, a majority of the adult male Indians of the Yankton tribe of Sioux Indians consent to the entry and sale of such right of way, or of said appraised lands, or of any part of the same. And if said Indians shall at any future time consent in the manner above stated, to the sale or disposal of any tract or parcel of said appraised land, to the sale of which their consent had not theretofore been given, such tract or parcel shall then be sold in the manner hereinbefore provided. Patents shall be issued in due form for any lands, or the right of way, entered or sold by virtue of this act, and the moneys arising from the sale of said land, right of way, and damages, after deducting the expense of said appraisement, shall be covered into the annuity fund of said Indians, or expended in such manner as the Indians may determine,

Compensation.

Proviso.
Employees of the Government.

subject to the approval of the Secretary of the Interior; that the commissioners hereunder shall be paid the sum of five dollars per day for the time actually occupied in performing the duties conferred upon them by this act; *Provided*, That any officer or employee of the Government detailed to act as commissioner shall be paid his actual and necessary traveling and other expenses only.

Appropriation for expenses.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, to defray the expense of procuring the consent of said Indians, and to pay said commissioners.

Approved, March 2, 1889.

Mar. 2, 1889.
25 Stat., 1013.

CHAP. 422.—An act to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes.

Lands in severalty to Wea, Peoria, Kaskaskia, Piankeshaw, and Western Miami Indians.
See note to 1872, c. 262, ante, p. 132.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of chapter One hundred and Nineteen of the acts of eighteen hundred and eighty seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," are hereby declared to extend to and are made applicable to the Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, now located in the northeastern part of the Indian Territory and to their reservation, in the same manner and to the same extent as if said tribes had not been excepted from the provisions of said act, except as to section 6 of said act, and as otherwise hereinafter provided.

Allotments.

Lists to be furnished.

Distribution.

Settlement of differences.

Proviso.
School, etc., reservation.

Sale of school buildings.

Building for church or school.

That the Secretary of the Interior is hereby authorized and directed, within ninety days from and after the passage of this act, to cause to be allotted to each and every member of the said Confederated Wea, Peoria, Kaskaskia, and Piankeshaw tribes of Indians, and the Western Miami tribe of Indians, upon lists to be furnished him by the chiefs of said tribes, duly approved by them, and subject to the approval of the Secretary of the Interior, an allotment of land not to exceed two hundred acres, out of their common reserve, to each person entitled thereto by reason of their being members of said tribes by birth or adoption; all allotments to be selected by the Indians, heads of families selecting for their minor children, and the chiefs of their respective tribes for each orphan child. All differences arising between members of said tribes, in making said allotments, shall be settled by the chiefs of the respective tribes, subject to the approval of the Secretary of the Interior: *Provided*, That before any of the allotments herein provided for shall be made, there shall be set apart, not to exceed twenty acres in all, for school, church, and cemetery purposes; the location of the same to be selected by the chiefs of said tribes, subject to the approval of the Secretary of the Interior, in such quantities and at such points as they shall deem best, which, together with all improvements now existing or that may hereafter be made by the tribes thereon, shall be held as common property of the respective tribes. If in making the selections as herein provided for, the sites of present school buildings should not be retained, then all improvements thereon may be removed. If not removed, then they shall be sold after appraisement by the chiefs of the tribes; the sale to be approved by the Secretary of the Interior and the proceeds placed to the credit of the proper tribe. If any religious denomination, with the consent of either or both of said tribes, should erect any building for church or school purposes upon any of the land selected for church use, the said building, together with the land, shall be held the prop-

Removal, etc.

erty of such religious denomination so long as they shall occupy the same for religious or school purposes. And should such denomination at any time desire to move said church or school house to any other place on their reservation, they may do so; or, if they prefer, may sell the same with or without the lands upon which said house is situate, and apply the proceeds to their new building.

Land inalienable for twenty-five years.

Patents.

Allotment to Miami.

To United Peoria.

Residue to be held in common.

Leases authorized.

Lease of allotments.

The land so allotted shall not be subject to alienation for twenty five years from the date of the issuance of patent therefor, and said lands so allotted and patented shall be exempt from levy, sale, taxation, or forfeiture for a like period of years. As soon as all the allotments or selections shall have been made as herein provided, the Secretary of the Interior shall cause a patent to issue to each and every person so entitled, for his or her allotment, and such patent shall recite in the body thereof that the land therein described and conveyed shall not be alienated for twenty-five years from the date of said patent, and shall also recite that such land so allotted and patented is not subject to levy, sale, taxation, or forfeiture for a like period of years, and that any contract or agreement to sell or convey such land or allotments so patented entered into before the expiration of said term of years shall be absolutely null and void. SEC. 2. That in making allotments under this act no more in the aggregate than seventeen thousand and eighty-three acres of said reservation shall be allotted to the Miami Indians, nor more than thirty-three thousand two hundred and eighteen acres in the aggregate to the United Peoria Indians; and said amounts shall be treated in making said allotments in all respects as the extent of the reservation of each of said tribes, respectively. If, in making said allotments any difference shall arise between said tribes, all such matters of difference shall be determined by the Secretary of the Interior. After the allotments herein provided for shall have been completed, the residue of the lands, if any, not allotted, shall be held in common under present title by said United Peorias and Miamies in the proportion that the residue, if any of each of the said allotments shall bear to the other. And said United Peorias and Miamies shall have power, subject to the approval of the Secretary of the Interior, to lease for grazing, agricultural, or mining purposes from time to time and for any period not exceeding ten years at any one time, all of said residue, or any part thereof, the proceeds or rental to be divided between said tribes in proportion to their respective interests in said residue. And after said allotments are completed each allottee may lease or rent his or her individual allotment for any period not exceeding three years, the father acting for his minor children, and in case of no father then the mother, the chief acting for orphans of the tribe to which said orphans may belong.

Division of unallotted lands after twenty-five years.

Proviso.
Petition of Indians.

Consent of Indians.

At the expiration of twenty-five years from the date of the passage of this act, all of said remaining or unallotted lands may be equally divided among the members of said tribes, according to their respective interests, or the same may be sold on such terms and conditions as the President and the adult members of said tribe may hereafter mutually agree upon, and the proceeds thereof divided according to ownership as hereinbefore set forth: *Provided*, That before any division of the land is made, or sale had, that three-fourths of the bona fide adult members of said tribes shall petition the Secretary of the Interior for such division or sale of said land: *Provided further*, That sections one and two of this act shall not take effect until the consent thereto of each of said tribes separately shall have been signified by three-fourths of the adult male members thereof, in manner and form satisfactory to the President of the United States.

Repeal.

SEC. 3. That any act or part of acts of Congress heretofore passed that may conflict with the provisions of this act, either as to land or money, are hereby repealed.

Court of Claims to determine rights of citizen Indians to tribal funds.
26 Ct. Cls., 322.
Vol. 2, p. 966.

Action not barred by limitation, etc.

Style of proceeding.

Confederated tribes may be made defendant.

Determination of rights.

Payment

Compensation to counsel.

SEC. 4. That full jurisdiction is hereby conferred upon the Court of Claims, subject to an appeal to the Supreme court of the United States, as in other cases, to hear and determine what are the just rights at law, or in equity, of those Wea, Peoria, Kaskaskia, and Piankeshaw Indians and of their children, or heirs at law, or legal representatives, who became citizens of the United States under the provisions of article twenty-eight of the treaty of February twenty-third, eighteen hundred and sixty-seven, made with the confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaw in the invested funds and other common property of the said confederated tribes. And the exercise of such jurisdiction shall not be barred by any lapse of time heretofore, nor shall the rights of said Indians be impaired by any ruling or determination upon such rights heretofore made. Suit may be instituted against the United States in said court of Claims within twelve months after the passage of this act, but not later, on behalf of said Indians who so become citizens of the United States, their heirs and legal representatives, in the name and style of "The Citizen Wea, Peoria, Kaskaskia, and Piankeshaw Indians," in accordance with the practice of said Court, for the hearing and determination of such rights at law and in equity as are claimed for said citizen Indians, or any of them, in such suit, which rights or equities arise out of the provisions of said treaty, or any law of the United States relating to the invested funds and common property of said confederated tribes. Said "confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws" may be made a party defendant in said suit, on petition in that name to be made such party defendant, to be filed within three months from the date of the bringing of such suit, but the United States, through its proper officers, shall defend said suit on behalf of said Indians, whether or not they shall become parties to the same. Said courts shall determine what are the legal and equitable rights and interests of the Indians who separated from the tribes to which they belonged, and became citizens of the United States under said treaty, and of the heirs and legal representatives of such of them as are dead, and shall ascertain the value thereof, after deducting what has been paid to each of said Indians on account of such invested funds and common property. And such sums shall be paid to the persons who are respectively entitled to the same out of any money or funds held in trust by the United States for and on account of said confederated tribes of Peoria, Kaskaskia, Wea, and Piankeshaw Indians. Out of the funds so found due to said citizen Indians said Court of Claims may allow a reasonable compensation to the counsel or attorneys of such Indians, to be ratably apportioned upon and paid out of the sums due them, respectively; and the court may ascertain the reasonable value of the services of counsel employed by said confederated tribes to represent the tribes on such examination, not to exceed ten per centum of the aggregate sum actually in controversy, and the Secretary of the Interior shall cause to be paid to said counsel so much of the sum so ascertained as in equity and justice he may consider to be due them for such services, out of any money in the Treasury of the United States now due to such tribes arising from the sale of the lands of said tribe in Kansas.

Records, etc.

SEC. 5. That the Secretary of the Interior shall transmit to said Court of Claims, upon its request, certified copies of any records, documents, or papers that relate to the rights of any of said Indians involved in such suit.

Approved, March 2, 1889.

ACTS OF FIFTY-FIRST CONGRESS—FIRST SESSION, 1890.

CHAP. 35.—An act to authorize the construction of a bridge over the Arkansas River, in the Indian Territory.

Mar. 15, 1890.
26 Stat., 21.

Kansas and Arkansas Valley Railway may bridge Arkansas River, Indian Territory.
1886, c. 395, ante, p. 231.
Bridge at Fort Smith.
Railway, passenger, and wagon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas and Arkansas Valley Railway, a corporation organized and existing under the laws of the State of Arkansas, and being empowered by act of Congress, approved June first, eighteen hundred and eighty-six, to construct its railway from a point on the eastern boundary line of the Indian Territory, at or near Fort Smith, Arkansas, through said Territory in a northwest direction to a point on the northern boundary line of said Territory, with the power to build a branch as therein provided, the construction and operation of which said line of railway involves the necessity of constructing a bridge across the Arkansas River, in the Indian Territory, from a point at or near Fort Smith be, and the said Kansas and Arkansas Valley Railway, its successors and assigns, are hereby authorized and empowered to construct said bridge across said river, and to maintain and operate the same as a railway, passenger, and wagon bridge.

High or draw.
Security of navigation.
Plans, etc., to be approved by Secretary of War.
Change of plan.
Use by other companies.
Secretary of War to prescribe terms.

SEC. 2. That any bridge authorized to be constructed under this act, whether constructed as a high bridge or a draw bridge, shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object said company or corporation shall submit to the Secretary of War a design and drawings of said bridge to be erected for his examination and approval and a map of its location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and until said plan and location of said bridge are approved by the Secretary of War said bridge shall not be commenced or built; and should any change be made in the plan of any bridge authorized to be constructed by this act during the progress of the work of construction, such change shall be subject to the approval of the Secretary of War. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties, in case they shall not agree.

Lawful structure and post-route.

SEC. 3. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which no higher charge shall be made for transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads of the United States.

Railroad transportation charges.
Tolls for vehicles, etc.

SEC. 4. That the charges for transportation of passengers and freight in the cars of said company over said bridge shall be subject to, and regulated by, the provisions of section four of the above-recited act of June first, eighteen hundred and eighty-six, authorizing the construction of said railroad in the Indian Territory. The rates of toll which shall be charged for vehicles and foot-passengers over said bridge shall be the same as those now established for like service by the laws of Arkansas, as expressed in section five thousand five hundred and forty-six of Mansfield's Digest thereof, eighteen hundred and eighty-four, page one thousand and sixty-eight.

Right to amend, etc., reserved.

Consequent expenditure.

SEC. 5. That the right to alter, amend, or repeal this act, or any part thereof, whenever Congress shall consider it necessary for the public interest, is hereby expressly reserved, and any expenditure required by reason of such legislation by Congress shall be made by the owners of said bridge, or the corporation or parties controlling and using the same, without cost or damage to the United States.

Commencement and completion.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval of this act.

Approved, March 15, 1890.

Mar. 19, 1890.

26 Stat., 24.

CHAP. 39.—An act to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana.

Preamble.

See note to 1878, c. 200, ante, p. 175.

Whereas representatives of the Pottawatomie Indians of Michigan and Indiana, in behalf of all the Pottawatomie Indians of said States, make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with: Therefore,

Potawatomi Indians of Michigan and Indiana.

Court of Claims to try, etc., claim of.

27 Ct. Cls., 403.

To review de novo.

Not estopped by Res. No. 97, 14 Stat., 370, nor by receipt in full.

Limitation of fact evidenced by receipt.

Attorney-General to appear.

Appeal.

Proviso.

Precedence to be given in courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatomie Indians of Michigan and Indiana, and to render judgment thereon; power is hereby granted the said court to review the entire question of difference de novo, and it shall not be estopped by the joint resolution of Congress approved twenty-eighth July, eighteen hundred and sixty-six, entitled "Joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians," nor by the receipt in full given by said Pottawatomies under the provisions of said resolution, nor shall said receipt be evidence of any fact except of payment of the amount of money mentioned in it; and the Attorney-General is hereby directed to appear in behalf of the Government, and if the said court shall decide against the United States the Attorney-General may within thirty days from the rendition of the judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Pottawatomie Indians may also appeal to said Supreme Court: *Provided*, That the appeal of said Pottawatomie Indians shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such cause precedence.

Commencement of action.

SEC. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatomie Indians claim to recover, and the amount of their claims, and said petition may be verified by a member of any "Business Committee" or authorized attorney of said Indians as to the existence of such facts, and no other statements need be contained in said petition or verification.

Approved, March 19, 1890.

Mar. 28, 1890.

26 Stat., 32.

CHAP. 55.—An act to extend "An act to grant the right of way to the Kansas City and Pacific Railroad Company through the Indian Territory, and for other purposes.

Kansas City and Pacific Railroad Company.

Right of way through Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act approved May fourteenth, eighteen hundred and eighty-eight, granting the right of way through the Indian Territory to the Kansas City and Pacific Railroad Company, and for other purposes, Commencement and completion extended.

1888, c. 243, ante, p. 267.

shall be extended for a period of two years from May fourteenth, eighteen hundred and ninety, so that said company shall have until May fourteenth, eighteen hundred and ninety-two, to build the first one hundred miles of its railroad, and two years thereafter to build the remainder thereof and branches.

Approved, March 28, 1890.

May 2, 1890.

26 Stat., 81.

CHAP. 182.—An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

[26 Stat., 90.]
Settlement, etc., of certain other lands.
Creek.
Ante, p. 321.

Seminole.
See note to 1898, c. 542, post, p. 662.

25 Stat., pp. 1004–1006.

Ante, p. 340.

Proviso.
Additional fee.

The lands within said Territory of Oklahoma, acquired by cession of the Muscogee (or Creek) Nation of Indians, confirmed by act of Congress approved March first, eighteen hundred and eighty-nine, and also the lands acquired in pursuance of an agreement with the Seminole Nation of Indians by re-lease and conveyance, dated March sixteenth, eighteen hundred and eighty-nine, which may hereafter be open to settlement, shall be disposed of under the provisions of sections twelve, thirteen, and fourteen of the "Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes," approved March second, eighteen hundred and eighty-nine, and under section two of an "Act to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine: *Provided, however,* That each settler under and in accordance with the provisions of said acts shall, before receiving a patent for his homestead on the land hereafter opened to settlement as aforesaid, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents per acre.

* * * * * * *

Approved, May 2, 1890.

May 8, 1890.

26 Stat., 102.

CHAP. 198.—An act granting the Spokane Falls and Northern Railway Company the right of way through the Colville Indian Reservation.

Spokane Falls and Northern Railway Company granted right of way through Colville Indian Reservation, Wash.

Railway, telegraph line, etc.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Spokane Falls and Northern Railway Company, a corporation created under and by virtue of the laws of the Territory of Washington, be, and the said corporation is hereby, authorized, invested, and empowered with the right to locate, construct, equip, operate, use, and maintain a railway and telegraph and telephone line through the Indian reservation situated in the State of Washington known as the Colville Reservation, occupied by the Colville Indians, beginning at a point on the Columbia River at or near Kettle Falls, in the Northeastern portion of the State of Washington, running thence in a northwesterly direction by the most practicable route through said reservation, with the right to construct, use, and maintain such tracks, turn-out, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Width.

SEC. 2. That a right of way one hundred feet in width through said Indian reservation is hereby granted to the said Spokane Falls and

Stations.
Not to be sold, etc.
Road-bed.
Provisos.
Limit
Not to be used for other purposes, etc.
Consent of Indians.

Northern Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet, in addition to said right of way, is granted for stations for every ten miles of road, no portion of which shall be sold or leased by the company, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad and telegraph and telephone lines; and when any portion thereof shall cease to be so used such portions shall revert to the tribe or tribes of Indians from which the same shall have been taken, or, in case they shall have ceased to occupy the same, to the United States: *And provided further*, That before any such lands shall be taken for the purposes aforesaid the consent of the Indians thereto shall be obtained in a manner satisfactory to the President of the United States.

Compensation for property taken.

SEC. 3. That before said railway shall be constructed through any lands held by said tribe or by individual occupants according to the laws, customs, and usages of any of the Indian Tribes through which it may be constructed full compensation shall be made to such tribe or occupants for all property to be taken or damage done by reason of the construction of such railway, the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

Secretary of Interior to approve localities, etc.
Proviso.
Rights of Indians; irrigation.

SEC. 4. That said company shall cause maps showing the route of its located line through and station grounds upon said Indian Reservation to be filed in the office of the Secretary of the Interior, and that said location shall be approved by the Secretary of the Interior before any grading or construction on any section or part of said located line shall be begun: *Provided*, That said railway shall be located and constructed with a due regard for the rights of the Indians, and especially so as not to interfere with their irrigating ditches.

Employees may reside on right of way.
Regulations.

SEC. 5. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside while so engaged upon said right of way upon the lands herein granted, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with the said intercourse laws.

Immediate survey, etc.

SEC. 6. That said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Completion.
Crossings, etc.

SEC. 7. That said railway company shall build its entire line through said reservation within three years after the passage of this act, or this grant shall be forfeited as to that portion not built, and also shall construct and maintain continually all road and highway crossings and necessary bridges over said railway, wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Indian passengers limited.

SEC. 8. That said railway company shall prohibit the riding by Indians belonging to said reservation upon any of its trains, unless specially provided with passes signed by the Indian Agent, or by some one duly authorized to to act in his behalf.

Bond.

SEC. 9. That said railway company shall execute a bond to the United States, to be filed with and approved by the Secretary of the Interior, in the penal sum of ten thousand dollars, for the use and benefit of the Colville tribe of Indians, or other bands of Indians located on said reservation, conditioned for the due payment of any and all damages which may accrue by reason of the killing or maiming of any Indian belonging to said tribes or either of them, or of their live stock, in the construction or operation of said railway, or by reason of fires originating thereby, the damages in all cases, in the event of failure by the railway company to effect an amicable settlement with the parties in interest to be recovered in any court of the State of Washington having jurisdiction of the amount claimed, upon suit or action instituted by the proper United States attorney in the name of the United States: *Provided*, That all moneys so recovered by the United States attorney under the provisions of this section shall be covered into the Treasury of the United States, to be placed to the credit of the particular Indian or Indians entitled to the same, and to be paid to him or them, or otherwise expended for his or their benefit, under the direction of the Secretary of the Interior.

Damages.
Litigation.
Proviso.
Moneys recovered.

SEC. 10. That the said Spokane Falls and Northern Railway Company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act. *And provided further*, That the consent of the Indians through whose land said road shall be located shall be obtained to the location of the same and the compensation therefor in manner satisfactory to the President before this act shall take effect.

Condition of acceptance.
Provisos.
Violation to forfeit
Consent of Indians

SEC. 11. That Congress may at any time amend, add to, alter or repeal this act.

Amendment, etc.

SEC. 12. That this act shall be in force from its passage.

Approved, May 8, 1890.

May 8, 1890.
26 Stat., 104.

CHAP. 199.—An act granting to the Palouse and Spokane Railway a right of way through the Nez Percé Indian Reservation in Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Spokane and Palouse Railway Company, a corporation organized and existing under the laws of the State of Washington, for the extension of its railroad through the Nez Percé Indian Reservation, from a point on the northern boundary of said reservation on the Potlatch Creek, in section sixteen, township thirty-seven north, range three west of the Boise meridian, in Nez Percé County, in the Territory of Idaho; thence extending in a southerly and southwesterly direction, following the valley of said Potlatch Creek to the Clear Water River; thence following the valley of said Clear Water River in a southwesterly direction to the western boundary of said reservation.

Palouse and Spokane Railway granted right of way through Nez Percé Indian Reservation, Idaho.
See note to 1888, c. 717, ante, p. 286.
Location.

SEC. 2. That the right of way hereby granted to said company shall be fifty feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, and machine-shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Width.
Construction material.
Stations, etc.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made

Compensation for property taken, etc.

Damages.

Secretary of Interior to approve location, etc.

Rights of Indians.

Regulations.

Proviso:
Consent of Indians.

individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad, including charges of transportation, shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way and compensation shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe before any right under this act shall accrue to said company.

Right not assignable.

Provisos.
Mortgages.
Completion.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

Condition of acceptance.

Proviso.
Forfeiture.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors or assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Amendment, etc.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, May 8, 1890.

June 2, 1890.

26 Stat., 126.

CHAP. 391.—An act granting to the Duluth and Winnipeg Railroad Company a right of way through certain Indian reservations in Minnesota.

Duluth and Winnipeg Railroad Company granted right of way through Winnipigoshish, Cass Lake, White Oak Point, and Red Lake Indian Reservations, Minn.
Location.
Width.

Stations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Duluth and Winnipeg Railroad Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the extension of its railroad through the Winnipigoshish, Cass Lake, White Oak Point, and Red Lake Indian Reservations, in the State of Minnesota, such right of way to be fifty feet in width on each side of the center line of said railroad; and said company shall also have the right to take from the land adjacent to the line of the said road material, stone, and earth necessary for the construction of said railroad; also ground adjacent for such right of way for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for every ten miles of road constructed within the limits of said reservations.

Compensation to Indians, etc.

SEC. 2. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to the Indians for such of right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount to be paid to individual members of the tribe for damages sustained by them by reason of the construction of said road. But no right of way of any kind shall vest in said railroad company in or to any part of the right of way herein provided for until plats thereof made upon actual survey for the definite location of such railroad and including the grounds for station-houses, depots, machine-shops, side-tracks, turn-outs, and water-stations shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservation as to the amount of said compensation and right of way shall have been first obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon said reservations for the purpose of surveying and locating its line of railroad: *Provided*, That said line of railroad shall be located, constructed, and operated with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

Secretary of Interior to approve location, etc.
Consent of Indians.
Survey.
Proviso.
Rights of Indians.
Regulations.

SEC. 3. That the rights herein granted shall be forfeited by said company unless the road is constructed through said reservations within five years.

Completion.

SEC. 4. That Congress may at any time amend, add to, alter, or repeal this act.

Amendment.

Approved, June 2, 1890.

June 12, 1890.
26 Stat., 146.

CHAP. 418.—An act to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin.[a]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby empowered to authorize the agent of the Menomonee tribe of Indians in Wisconsin to employ at a reasonable compensation said Indians to cut all or any portion of the timber on the lands reserved for the use of said Indians in that State into logs and haul the same to the banks of the rivers; and said logs shall be scaled and advertised, and after due notice all or any part thereof sold to the highest bidder or bidders for cash, in such manner and at such time and place as the Secretary of the Interior may direct; no sale to be valid until approved by said Secretary. In case said logs can not be sold where landed on the river at what the Secretary of the Interior considers a reasonable price, he shall cause said logs to be run down the river to market, to be sold in the manner he deems for the best interest of the Indians, employing Indians at all times when in his opinion practicable and for the benefit of the Indians in doing such work; and the Secretary of the Interior may appoint a competent man to superintend these Indians while logging, and fixing the rate of his compensation. The Secretary shall appoint an assistant superintendent, who shall be a practical logger and shall have full charge and direction of such logging operations under the superintendent, and who shall receive such compensation as the Secretary of the Interior shall determine: *Provided*, That not exceeding twenty millions of feet of timber shall be logged and sold in any one year.

Sale of timber from Menominee Indian Reservation, Wis.
Agent to employ Indian loggers.
Compensation.
Sale, etc., of logs.
Indian employment.
Appointment of superintendent.
Compensation.
Appointment of assistant superintendent.
Compensation.
Proviso.
Limitation.

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[a] The Menominee Reservation was established by the treaties of October 18, 1848, and May 12, 1854 (Vol. 2, pp. 572 and 626). It contains about 362 square miles. By the act of February 2, 1871 (16 Stat., 410), the sale of six townships was authorized, dependent upon the consent of the Indians first to be secured. On March 27, 1871, the Indians protested against the sale of these lands (Green Bay Rep., p. 72). The principal source of revenue of the tribe is in the sale of timber upon the reservation, first regulated by the act of April 25, 1876 (19 Stat., 37), which is replaced and extended by the foregoing act.

Improvements of rivers through the reservation are provided by the acts of May 15, 1874 (18 Stat., 46), and July 12, 1876 (19 Stat., 89), and the construction of the Marinette and Western Railroad through it by the act of July 6, 1892 (27 Stat., 83).

Appropriation.

Expenses of cutting, sale, etc.

Reimbursement from first proceeds of sale.

Proviso.

Future annual advances for logging, authorized.

SEC. 2. That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expense of cutting, banking, scaling, running, advertising, and sale thereof; also, pay of superintendent and assistant superintendent; which expenses and pay shall be re-imbursed to the Treasury of the United States from the first proceeds of the sale of timber as hereinbefore provided: *And provided*, That after the first year's logging, and annually thereafter, the Secretary of the Treasury is authorized to advance a like amount as provided for in this bill, on the order of the Secretary of the Interior, out of any money in the Treasury belonging to said Indians for the purpose of enabling them to carry on logging as provided in this act.

Disposal and use of net proceeds of sales, etc., for benefit of Menominee.

SEC. 3. That from the net proceeds of sales of said Menomonee logs shall be deducted one-fifth part, which shall be deposited in the Treasury of the United States to the credit of the Menomonee Indians in Wisconsin, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be funded in the United States Treasury, interest on which shall be allowed said tribe annually at the rate of five per centum per annum, to be paid to the tribe per capita, or expended for their benefit under the direction of the Secretary of the Interior.

Tribal sanction to be first evidenced.

Otherwise, further Indian logging prohibited.

SEC. 4. That this act shall be and remain inoperative until full and satisfactory evidence shall have been placed on the files of the office of the Commissioner of Indian Affairs that the sales of timber and the manner of disposing of the proceeds of same herein authorized have the sanction of the tribe, evidenced by orders of agreement taken in full council; and if the provisions of this act shall not be accepted as aforesaid no further cutting of timber shall be permitted by said Indians upon said reservation until otherwise provided.

Approved, June 12, 1890.

June 12, 1890.

26 Stat., 147.

CHAP. 419.—An act to amend section one and section nine of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July first, eighteen hundred and eighty-six.

Denison and Washita Valley Railroad Company may continue main line to Fort Smith, Ark., and construct branch line through Indian Territory and Oklahoma to Kansas.

1886, c. 601, ante, p. 235.

Continuation of main line toward Fort Smith, Ark.

Branch line.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July first, eighteen hundred and eighty-six, be, and the same is hereby, amended as follows:

That said railway company is hereby authorized in the manner, and with the limitations, restrictions, and requirements in said act contained, to continue the railway in said act, authorized from the terminus therein specified, namely: 'A point of intersection with the projected line of the Saint Louis and San Francisco Railway in the Indian Territory from Fort Smith to Paris, in the State of Texas' in a northeasterly direction to Fort Smith, Arkansas, and also to construct, with the same limitations, restrictions, and requirements, a branch line of railway from a point on said main line not exceeding fifty miles from Red River, to be selected by said company, and running thence in a northwesterly direction through the Indian Territory and the country known as Oklahoma to a point on the southern line of the State of Kansas at or about where the same is crossed by the one hundredth meridian, by the most practicable route thereto.

Minimum construction in three years.

SEC. 2. That said railway company shall build at least fifty miles of its railway on its main line, and fifty miles of its railway on its branch line within three years from the passage of this act, and shall

Completion.

Forfeiture.

complete both the main and branch lines within two years thereafter, or all the rights therein granted shall be forfeited as to that portion of the main line and branch line not then built.

Existing law made applicable to main and branch lines, etc.

SEC. 3. That said act of July first, eighteen hundred and eighty-six, is hereby continued in force, and made applicable to said railway and branch line in all its provisions, except as herein otherwise provided.

Approved, June 12, 1890.

June 21, 1890.

26 Stat., 170.

CHAP. 479.—An act to grant the right of way to the Galena, Guthrie and Western Railway Company through the Indian Territory, and for other purposes.

Galena, Guthrie and Western Railway Company may build railroad, telegraph, and telephone line through Indian Territory.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Galena, Guthrie and Western Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph and telephone line through the Indian Territory, beginning at any point to be selected by said railway company on the south line of the State of Kansas, in the county of Cherokee, at or near the southwest corner of lot number three, section number fourteen, township number thirty-five, range number twenty-four east, of the sixth principal meridian, and running thence by the most practicable route through the Indian Territory to the west line thereof, via, at, or near Guthrie and Kingfisher, or Lisbon, Indian Territory, with the right to construct, use, and maintain such tracks, turnouts, sidings, and extensions as said company may deem to their interest to construct along and upon the right of way and depot grounds herein provided for.

Sidings, etc.

Right of way.

Width.

Stations, etc.

Provisos.

Limitation.

Lands not to be sold, etc.

SEC. 2. That said company is authorized to take and use, for all purposes of a railway and for no other purpose, a right of way one hundred feet in width through said Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet in addition to right of way, for stations, for every ten miles of the road, with the right to use additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *And provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company; and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph and telephone lines, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Appraisement. Referees.

Oath.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any tribe of the Indians, nations, or tribes through which it may be constructed, full and complete compensation shall be made to such occupant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which such occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a court, or United States commissioner, an oath

Substitution on failure to appoint.
Hearings.
Compensation.
Witnesses' fees.
Costs.
Disagreement.
Award.
Appeal.
Costs on appeal.
Work may proceed on depositing double award.

that they will faithfully and impartially discharge the duties of their appointment, which oaths duly certified shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member, after due notice, and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the judge of the United States court of the district of Muscogee; upon the application of the other party the chairman of said board shall appoint the time and place for all hearings within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nation; costs, including compensation of the referees, shall be made a part of the award and be paid by said railway company. In case the referees can not agree, then any two of them are authorized to make the award; either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making of the award, and notice of the same, to appeal by original petition to the courts of the Indian Territory at Muscogee, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Kansas providing for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum or less than the award of the referees, then the cost shall be adjudged against the appellant; when proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight charges.
Proviso.
Passenger rates, etc.
Regulation.
Maximum.
Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rates authorized by laws of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile, Congress reserving the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government shall be authorized to fix and regulate the cost of transportation of persons and freight within its respective limits by said railway company, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rates above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.
Proviso.
Appeal by general councils.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territory; said payment to be made in installments of one thousand two hundred and fifty dollars as each working section of twenty-five miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four

Award to be in lieu of compensation.

Annual rental.

Apportionment.

Additional taxes.

Survey and location.

months after filing of the maps of definite location as set forth in section six of this act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, hen all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided for in section three for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the courts upon the same conditions, terms, and requirements as therein provided: *Provided further*, That the amount of the award adjudged to be paid by said railway company for such dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions; said company shall also pay, so long as said Territory is owned or occupied by the Indians, to the Secretary of the Interior the sum of fifty dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, as long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit, and any Territory or State hereafter formed through which said railway shall have been established may exercise the like powers as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed.

Proviso.

Grading to begin within one year after filing.

Location to be first approved.

SEC. 6. That said company shall cause maps, showing the route of its located line through said Territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of the nations or tribes through whose lands said railway may be located, and after filing said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway's company's located line is filed, as herein provided for, said company shall commence grading said located line within one year thereafter or said location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees, etc., may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

Jurisdiction of courts.

SEC. 8. That the United States courts having jurisdiction in respect of the Indian Territory, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Galena, Guthrie and Western Railway Company and the nations or tribes through whose territory said railway company shall construct its lines; said court shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company, and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and completion.

SEC. 9. That the said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, and complete main line of the same within one year thereafter, or the right herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, roads, and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Crossings.

Condition of acceptance.

SEC. 10. That the said Galena, Guthrie and Western Railway Company shall accept this right of way upon the expressed condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian Nation any further grant of lands or their occupancy than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railway company under this act.

Proviso.
Forfeiture.

Record of mortgages.

SEC. 11. That all mortgages executed by said company conveying any portion of its railway with the franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and properties of said company as therein expressed subject to the provisions of this act.

Amendment, etc.
Rights not assignable except to aid construction.

SEC. 12. That Congress may at any time amend, alter, or repeal this act, and the rights herein granted shall not be assigned or transferred in any way or form whatever except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, June 21, 1890.

June 27, 1890.

26 Stat., 181.

CHAP. 633.—An act granting to The Chicago, Kansas and Nebraska Railway Company power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway, property, rights, and franchises of The Chicago, Kansas and Nebraska Railway Company in the Territory of Oklahoma and in the Indian Territory.

Chicago, Kansas and Nebraska Railway Company may sell, etc., all its railway, franchises, etc., in Oklahoma and Indian Territories, to Chicago, Rock Island and Pacific Railway Company.
Power to sell, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That The Chicago, Kansas and Nebraska Railway Company be, and it is hereby, authorized and empowered to sell and convey to the Chicago, Rock Island and Pacific Railway Company, a corporation organized and existing under the laws of the State of Illinois and Iowa, all the railway, property, rights, and franchises of said The Chicago, Kansas and Nebraska Railway Company in the Territory of Oklahoma and in the Indian Territory, including all the rights, privileges, and franchises granted to said The Chicago, Kansas and Nebraska Railway Company by the act of Congress entitled "An act to grant the right of way through the Indian Territory to The Chicago, Kansas and Nebraska Railway, and for other purposes," approved March second, eighteen hundred and eighty-seven, subject to all the conditions, limitations, and requirements of said act, and said The Chicago, Rock Island and Pacific Railway Company is hereby authorized and empowered, subject as aforesaid, to purchase, hold, maintain, and operate the railway heretofore constructed by The Chicago, Kansas and Nebraska Railway Company under said act of Congress, and to complete the construction of all lines of railway mentioned in said act of Congress not heretofore constructed by said The Chicago, Kansas and Nebraska Railway Company: *Provided, however*, That before any such sale and conveyance shall be made the terms thereof

1887, c., 319, ante, p. 250.

Subject to certain limitations, etc.

Power to purchase, etc.

Completion.

Proviso.
Approval of directors prior to sale.

shall be approved by a majority of the directors of said The Chicago, Kansas and Nebraska Railway Company.

Repeal.

SEC. 2. That all the provisions of said act of Congress inconsistent with this act be, and the same are hereby, repealed.

Approved, June 27, 1890.

June 30, 1890.

26 Stat., 184.

CHAP. 638.—An act to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes.

Pittsburgh, Columbus and Fort Smith Railway Company may build railroad, telegraph, and telephone line through Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pittsburgh, Columbus and Fort Smith Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point at or near the south-west corner of lot number four of section number fourteen, township number thirty-five, range twenty-three east, on the south line of the State of Kansas, in the county of Cherokee, and running thence by the most practicable route through the Indian Territory, by way of a point at or near Afton and Tahlequah, to a point on the Arkansas River near Fort Smith, Arkansas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to their interest to construct along and upon the right of way and depot grounds herein provided for.

Location.

Sidings, etc.

Right of way.

Width.

Stations, etc.

SEC. 2. That said corporation is authorized to take and use, for all purposes of a railway and for no other purposes, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred and fifty feet in width, with a length of three thousand feet in addition to right of way, for stations, for every ten miles of the road, with the right to use additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided,* That no more than said addition of land shall be taken for any one station: *And provided further,* That no parts of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purpose only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone line, and when any portion thereof shall cease to be used, such portion shall revert to said nation or tribe of Indians from which the same shall have been taken.

Provisos.

Limitation.

Lands not to be sold, etc.

Damages.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointments, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointments, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within

Appraisement.

Referees.

Oath.

Substitution on failure to appoint.
Hearings.
Compensation.
Witnesses' fees.
Costs.
Disagreement.
Award.
Appeal.
Work may proceed on depositing double award.

sixty days from the completion thereof; and a majority of said referees shall be competent to act in the case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court for the western district of Arkansas, or the district court of Kansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which said occupants belong. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nation. Costs, including compensation of the referees, shall be made a part of the award and be paid by said railway company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making of the award and notice of the same, to appeal by the original petition to the United States court at Muscogee, Indian Territory, which court shall have jurisdiction to hear and determine the subject matter of said petition according to the laws of the State of Kansas provided for determining the damage when property is taken for railroad purposes. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with construction of the railroad.

Freight charges.
Proviso.
Passenger rates, etc.
Regulation.
Maximum.
Mails.

SEC. 4. That said railway Company shall not charge the inhabitants of said Territory a greater rate of freight than the rates authorized by the laws of the State of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines until a State government shall be authorized to fix and regulate the cost of transportation of persons and freight within its respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rates of such transportation of passengers, local or interstate, shall not exceed the rates above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster General may fix the rate of compensation.

Additional compensation to tribes.
Proviso.
Appeal by general councils.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territory, said payment to be made in installments of one thousand two hundred and fifty dollars as each working section of twenty-five miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railroad may be located shall, within four months after the filing of the maps of definite location, as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as

Award to be in lieu of compensation.

Annual rental.

Apportionment.

Additional taxes.

Survey and location.

provided in section three for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the courts upon the same conditions, terms, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said territory is owned or occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, as long as said lands are occupied and possessed by said nation or tribe, to impose such additional taxes upon said railway as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed.

Proviso.
Grading to begin within one year after filing.

Location to be first approved.

SEC. 6. The said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located, and after filing said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within one year thereafter, or said location shall be void; and said location shall be approved by the Secretary of the Interior, in sections of twenty-five miles, before construction of any such section shall be begun.

Employees, etc., may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company, necessary to the construction and management of said road, shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.
Jurisdiction.

SEC. 8. That the United States circuit court for the western district of Arkansas shall except as provided in section three of this act have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Pittsburgh, Columbus and Fort Smith Railway Company and the nations or tribes through whose territory said railway company shall construct their lines; said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company, and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and completion.

Crossings.

SEC. 9. That the said railway shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act and complete main line of the same within one year thereafter, or the rights herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, roads, and highways, crossings, and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Condition of acceptance.

Proviso.

Forfeiture.

SEC. 10. That the said Pittsburgh, Columbus and Fort Smith Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railway, with the franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

Rights not assignable except to aid construction.

SEC. 12. That Congress may at any time amend, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever except as to mortgage or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, June 30, 1890.

July 22, 1890.

26 Stat., 290.

CHAP. 714.—An act granting right of way to Little Falls, Mille Lacs, and Lake Superior Railroad across Mille Lacs Indian Reservation.

Little Falls, Mille Lacs, and Lake Superior Railway Company granted right of way through Mille Lacs Indian Reservation, Minn.

Location.

Width.

Construction material.

Stations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Little Falls, Mille Lacs, and Lake Superior Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the construction of a railroad through the Mille Lacs Indian Reservation in said State. Such right of way shall be seventy-five feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road, material, stones, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine shops, side-tracks, turnouts, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station to the extent of two stations within the limits of said reservation.

Grant of use of Lake shore lands.

Location.

Payment for use, and damages, to individual Indians.

Proviso.

Use of lands limited to certain railroad purposes.

And for the purpose of aiding the said company to construct a railroad to the navigable waters of Mille Lacs Lake, or navigable waters connected therewith, there is hereby granted to the said Little Falls, Mille Lacs, and Lake Superior Railroad the right to take and use three hundred and twenty acres of the lands in said reservation, to be by said Company selected at some place or point on the shore of Mille Lacs Lake, on the line of said railroad in said State, upon paying to the United States for the use of said Indians such sum as the Secretary of the Interior may direct, not less than one dollar and twenty-five cents for each and every acre thereof, and also whatever amount may be fixed by the Secretary of the Interior for such right and for the damages arising to any individual Indian for actual improvements which he or they may have thereon: *Provided*, That no part of said lands shall be used, directly or indirectly, for town-site purposes, it being the intention hereof that said land shall be held for general railroad purposes only, including stock-yards, warehouses, elevators, docks, and terminal and other facilities of and for said railroad, but nothing herein contained shall be construed to prevent any such railroad company from building upon such lands houses for the accommodation of their employees.

Compensation for damages, etc.

Litigation.

Payment to Indian tribe.

Secretary of Interior to approve location, etc.

Consent of Indians.

Survey, etc.

Provisos.

Regulations.

Lease or sale of lands prohibited.

Limited use.

Reversion of lands.

SEC. 2. That before said railroad shall be constructed through any land, claim or improvement held by individual occupants, according to any treaties or laws of the United States, compensation shall be made to such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant the just compensation shall be determined as provided for by the laws of Minnesota enacted for the settlement of like controversies in such cases. The amount of damage resulting to the Mille Lacs Indians in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, shall be ascertained in such manner as the Secretary of the Interior may direct and be subject to his final approval; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid and the consent of the Indians on said reservation to said right of way and as to the amount of said compensation shall have been first obtained in a manner as the President may prescribe. Said company is hereby authorized to enter upon such reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe: *Provided*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Amendment, etc.

SEC. 3. Congress reserves the right to alter, amend or repeal this act.

Approved, July 22, 1890.

Aug. 19, 1890.

26 Stat., 329.

CHAP. 803.—An act extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes.

Sale of portion of Omaha Indian Reservation, Nebr.

Time of payments of purchase money extended.

Sec. 1882, c. 434, and note, ante, p. 212.

First payment.

Second payment.

Third payment.

Provisos.

Interest on payments.

Retention in Treasury of principal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to extend the time of payments of the purchase money due for land sold on the Omaha Indian Reservation under the sales made by virtue of "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes," approved August seventh, eighteen hundred and eighty-two, as follows: The time for the first payment is hereby extended until the first day of December, eighteen hundred and ninety-four, the second payment to become due in one year thereafter, and the third payment to be due and payable in one year from the time fixed for the second payment: *Provided*, That the interest on said payments shall be paid annually at the time said payments of interest are due; and the Secretary of the Treasury shall retain in the Treasury all moneys heretofore and that may hereafter be paid as principal under the act approved August

Five per centum annual expenditure for Indians.

Distribution to tribe of interest paid in.

Existing legislation affirmed, except where modified by this act.

seventh, eighteen hundred and eighty-two, and shall pay over five per centum thereof annually to the Secretary of the Interior, to be expended by him annually for the benefit of said Indians, as prescribed in section three of said act, and the Secretary of the Treasury shall pay all interest that has been paid on land sold under said act to the Secretary of the Interior, to be by him paid over to said tribe, to be distributed to the members thereof pro rata by the agent of said tribe, and all interest hereafter coming into the Treasury shall be paid over and distributed to said tribe annually in like manner: *And provided*, That the said act of August seventh, eighteen hundred and eighty-two, except as changed or modified by this act, shall remain in full force and effect.

Rights of certain entrymen to purchase additional contiguous lands.

Provisos.
Limit of purchase.

Limit of forfeiture for default in payments.

SEC. 2. That any entryman who has taken less than one hundred and sixty acres of land on this reservation and has made payments on the same according to law, may purchase, at the appraised price and upon the conditions prescribed in the act of August seventh, eighteen hundred and eighty-two, such additional lands lying contiguous to the lands included in his original entry as he may desire: *Provided*, That the land so purchased, together with the land included in his original entry, shall in no case exceed one hundred and sixty acres: *And provided further*, That no forfeiture shall be deemed to have been incurred on account of the failure to make the payments on said lands that were due July first, eighteen hundred and ninety, under the act of August seventh, eighteen hundred and eighty-two, and acts amendatory thereof.

Approved, August 19, 1890.

Sept. 26, 1890.

26 Stat., 485.

CHAP. 947.—An act granting the right of way to the Hutchinson and Southern Railroad Company to construct and operate a railroad, telegraph, and telephone line from the city of Anthony, in the State of Kansas, through the Indian Territory, to some point in the county of Grayson, in the State of Texas.

Hutchinson and Southern Railroad Company may build railroad, telegraph, and telephone line through Indian Territory.

Location.
1892, c. 3, post, p. 498;
1894, c. 342, post, p. 551.

Proviso.
Route.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Hutchinson and Southern Railroad Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railroad, telegraph and telephone line from a point on the north line of the Indian Territory, south of the City of Anthony, in the State of Kansas, into the Indian Territory, to a connection with the Chicago, Kansas and Nebraska Railroad at or near Pond Creek in the Indian Territory, and thence to a connection with the Santa Fe Railroad at or near the city of Guthrie or some point north of there, within the distance of twenty miles, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for: *Provided*, That the company shall have the right to adopt the most feasible and practicable route in following the general direction hereinbefore specified.

Right of way.

Width.

Stations, etc.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railroad, telegraph, and telephone line, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, for said line of the Hutchinson and Southern Railroad Company, and to take and use a strip of land two hundred feet in width with the length of three thousand feet, in addition to the right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet on each side of said right of way, or as

Proviso.
Not to be sold, etc.

much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purpose only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Referees.

Oath, etc.

Substitution on failure to appoint.

Hearings.

Compensation.

Costs.

Appeal from award.

Costs of appeal.

Work may begin on depositing double award.

SEC. 3. That before said railroad shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlements with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, a majority of whom shall be a quorum for the transaction of business, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by the railroad company, who, before entering upon the duties of their appraisements, shall take and subscribe before one of the judges, or the clerk of the supreme court of the Territory of Oklahoma, or a United States Commissioner an oath that they will faithfully and impartially discharge the duties of their appraisement, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the judges of the supreme court of the Territory of Oklahoma, upon the application of the other party. The chairman of said board shall appoint the time and place of all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of the cause submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nation. Costs, including compensation of said referees, shall be made a part of the award, and be paid by such railroad company. In case the referees do not agree, then any two of them are authorized to make the award. Either party being dissatified with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court of the Territory of Oklahoma having judicial jurisdiction over the place where the land or some part of the same lies, which court shall have jurisdiction to hear and determine the subject-matter of the petition, according to the laws of the State of Kansas for determining the damage when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, or a sum equal to said award, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for a less sum than the award made by the referees, then the costs shall be adjudged against the party claiming damages. When proceedings shall have been commenced in court the railroad company shall pay double the amount of the award into court to abide the judgment thereof and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Appeal from decree.

The supreme court of said Territory shall have appellate jurisdiction in respect of the final judgment or decree of the district court in this section mentioned. Every appeal shall be taken within sixty days next after the entry of such judgment or decree.

Freight charges.

Proviso.
Passenger rates, etc.

Regulation of freight and passenger rates.

Interstate transportation.

Maximum.

Mails.

SEC. 4. That said railroad shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Kansas for services of transportation of the same kind: *Provided*, That passenger rates on said railroad shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railroad and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which said railroad, or a part thereof, shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railroad; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railroad company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

Provisos.
Appeal by general councils.

Award to be in lieu of compensation.

Annual rental.

Apportionment.

Taxation.

Survey, etc.

SEC. 5. That said railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribes through whose lands said line may be located, the sum of fifty dollars per mile for each mile of road constructed and maintained in said Indian Territory, in addition to compensation provided for in this act for property taken or damages done individual occupants by the construction of said railroad, said payment to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railroad may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the court upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railroad company for such dissenting nation or tribe shall be in lieu of the compensation the said nation or tribe would be entitled to receive under the foregoing provisions. Said company shall also pay, so long as said Territory is occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railroad it shall construct and operate in said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railroad that may be constructed and operated by said company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose additional taxes upon said railroad as it may deem just and proper for their benefit; and any State or Territory hereafter formed, through which said railroad shall have been established, may exercise the like power as to such part of said railroad as lies within its limits. Said railroad company shall have the right to survey and locate its railroad immediately after the passage of this act.

Maps to be filed.

Proviso.

Grading to begin on filing maps.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railroad may be located, and after the filing of said maps no claim for subsequent settlement or improvement upon the right of way shown by said maps shall be valid against said company: *Provided*, That when a map showing any portion of said railroad's located line is filed as herein provided for said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in conformity with said intercourse laws.

Litigation.

SEC. 8. The courts established under the laws of the United States in the Territory of Oklahoma shall have the same jurisdiction in respect of all cases and controversies arising between said Hutchinson and Southern Railroad Company and every other corporation, organization, association, tribe and person, that the said courts have and may by law exercise in respect of cases and controversies between other citizens of the United States, and this, without reference to the amount in controversy, except as otherwise in this act specially provided.

Commencement and completion.

Crossings, etc.

SEC. 9. That said railroad company shall build and complete its railway in said Territory within eighteen months after the passage of this act or the rights herein granted shall be forfeited as to the portion not built; and it shall not be necessary in such a case for a forfeiture to be declared by judicial process or legislative enactment; and that said company shall construct and maintain continually all road and highway crossings and necessary bridges over said railroad wherever such roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid across the same.

Conditions of acceptance.

Proviso.

Violation to forfeit.

SEC. 10. That said Hutchinson and Southern Railroad Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the extinguishing or changing the present tenure of the Indians to their lands, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railroad under this act.

Record of mortgages.

SEC. 11. That all mortgages executed by said railroad company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be prima facie evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

Assignment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of said road, except as to mortgage or other lien that may be given or secured thereon to aid in the construction thereof.

Approved, September 26, 1890.

Sept. 30, 1890.

26 Stat., 552.

CHAP. 1127.—An act to provide for the sale of certain New York Indian lands in Kansas.

Lands of certain New York Indians in Kansas.

Sale of, to certain settlers, etc.

See note to 1878, c. 167, ante, p. 141.

Entry, etc.

Limit of time.

Proceeds of sale, in trust, etc.

Payment.

Proof of identity.

Limit of time.

Unpaid proceeds, covered in.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those persons, being heads of families or single persons over twenty-one years of age, who have made settlement and improvement upon, and are bona fide claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the fourteenth day of September, eighteen hundred and sixty, for three hundred and twenty acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, at two dollars and fifty cents per acre, payment to be made in cash at time of purchase; and the moneys arising from such sales shall be paid into the Treasury of the United States, in trust for and to be paid to said Indians, respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

Lands not entered at sale.

Notice.

Private entry.

SEC. 2. That any lands not entered by such settlers at the expiration of twelve months from the passage of this act shall be offered at public sale, in the usual manner, at not less than three dollars per acre, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold shall be thereafter subject to private entry at three dollars per acre.

Repeal.

SEC. 3. That all acts and parts of acts inconsistent herewith are hereby repealed.

Approved, September 30, 1890.

Sept. 30, 1890.

26 Stat., 558.

CHAP. 1132.—An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Reservations, and to confirm existing leases.

Leases of lands by Seneca Nation of New York Indians, to be renewable.

See note to 1875, c. 90, ante, p. 155.

Excepted leases.

Term of renewal.

Conditions, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the leases of land situate within the limits of the villages mentioned in the act of Congress entitled 'An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Reservations, and to confirm existing leases," approved February nineteenth, eighteen hundred and seventy-five, except leases to railroads, shall by the terms of said act be renewable, the same shall be renewable for a term not exceeding ninety-nine years, instead of the term of twelve years, as therein provided, subject to all other terms and conditions of said act.

Approved, September 30, 1890.

Oct. 1, 1890.

26 Stat., 632.

CHAP. 1248.—An act granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes.

Sherman and Northwestern Railway Company may build railway, telegraph and telephone line through Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Sherman and Northwestern Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping,

Location.

Sidings, etc.

operating, using, and maintaining a railway, telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on the north line of the State of Texas, in the counties of Grayson or Cooke, at a suitable and practicable crossing of Red River, in what is known as Delaware Bend of Red River, running thence notherly by the most practicable route through the Indian Territory to and through the coal-fields at or near Ardmore; thence, same direction, between the Missouri, Kansas and Texas and Gulf, Colorado and Santa Fé Railways, to the south line of the State of Kansas, at same point in Cowley County, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

Width.

Stations.

Heavy cuts or fills.

Provisos.

Limit for stations.

Not to be sold, etc.

SEC. 2. That said company is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Territory, and to take and use a strip of land two hundred feet in width with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of the road, with the right to use additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *And provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company; and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph and telephone lines, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Appraisement.

Referees.

Substitution on failure to appoint

Hearings.

Compensations.

Witness fees.

Cost.

Disagreement.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants, according to the laws, customs, and usages of any tribe of the Indian nations or tribes through which it may be constructed, full and complete compensation shall be made to such occupant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appointment of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which such occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oaths duly certified shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member, after due notice; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the supreme court of the Territory of Oklahoma. Upon the application of the other party, the chairman of said board shall appoint the time and place for all hearings within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the court of said nation; costs, including compensation of the referees, shall be made a part of the award and be paid by said railway company. In case the referees can not agree,

Appeal.

Costs on appeal.

Work may proceed on depositing double award.

then any two of them are authorized to make the award; either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making the award and notice of the same, to appeal by original petition to the supreme court of the Territory of Oklahoma, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Texas providing for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum or less than the award of the referees, then the costs shall be adjudged against the appellant. When proceedings have been commenced in court the railway company shall pay double the amount of the award into the court to abide the judgment thereof and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight charges.

Provisos.
Passenger rates, etc.
Regulation.

Maximum.

Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rates authorized by laws of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile, Congress reserving the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government shall be authorized to fix and regulate the cost of transportation of persons and freight within its respective limits by said railway company, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rates above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

Provisos.
Appeal by general councils.

Award to be in lieu of compensation.

Annual rental.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose land said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territory; said payments to be made in installments of one thousand two hundred and fifty dollars as each working section of twenty-five miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after filing of the maps of definite location as set forth in section six of this act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided for in section three for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the courts upon the same conditions, terms and requirements as therein provided: *Provided further*, That the amount of the award adjudged to be paid by said railway company for such dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions; said company shall also pay, so long as said Territory is owned or occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, as long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit, and any Territory or State hereafter formed through which said railway shall have been established may exercise the like powers as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Apportionment.

Additional taxes.

Survey and location.

SEC. 6. That said company shall cause maps, showing the route of its located line through said Territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of the nations or tribes through whose lands said railway may be located, and after filing said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within one year thereafter, or said location shall be void, and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Maps to be filed.

Proviso.

Grading to begin within one year after filing.

Location to be first approved.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside while so engaged upon said right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Employees, etc., may reside on right of way.

SEC. 8. That the United States circuit and district courts for the Indian Territory, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Sherman and Northwestern Railway Company and the nations or tribes through whose territory said railway company shall construct its lines; said court shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company, and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Litigation.

Jurisdiction of courts.

SEC. 9. That the said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, and complete main line of the same within one year thereafter, or the right herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all fences, roads, and highway crossings, and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Commencement and completion.

Crossings.

SEC. 10. That the said Sherman and Northwestern Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not

Conditions of acceptance.

attempt to secure from the Indian nation any further grant of lands or its occupancy than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railway company under this act.

Proviso.
Forfeiture.

Record of mortgages.

SEC. 11. That all mortgages executed by said company conveying any portion of its railway, with the franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and properties of said company as therein expressed.

Amendment, etc.

Rights not assignable except to aid construction.

SEC. 12. That Congress may at any time amend, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any way or form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in construction thereof.

Approved, October 1, 1890.

Oct. 1, 1890.

26 Stat., 636.

CHAP. 1249.—An act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes.[a]

Shawnee and Delaware Indians.

Court of Claims to hear claims against Cherokee and United States.

1892, c. 151, post, p. 446. 30 Ct. Cls., 138; 30 Ct. Cls., 180; 31 Ct. Cls., 140. 155 U. S., 180.

1872, c. 157, note, ante, p. 131.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That full jurisdiction is hereby conferred upon the Court of Claims, subject to an appeal to the Supreme Court of the United States as in other cases, to hear and determine what are the just rights in law or in equity of the Shawnee and Delaware Indians, who are settled and incorporated into the Cherokee Nation, Indian Territory, east of ninety-six degrees west longitude, under the provisions of article fifteen of the treaty of July nineteenth, eighteen hundred and sixty-six, made by and between the United States and the Cherokee Nation, and articles of agreement made by and between the Cherokee Nation and the Shawnee Indians June seventh, eighteen hundred and sixty-nine, approved by the President June ninth, eighteen hundred and sixty-nine, and articles of agreement made with the Delaware Indians April eighth, eighteen hundred and sixty-seven; and also of the Cherokee freedmen, who are settled and located in the Cherokee Nation under the provisions and stipulations of article nine of the aforesaid treaty of eighteen hundred and sixty-six in respect to the subject-matter herein provided for.

Claims of Cherokee freedmen to be heard.

Suit to determine rights of Shawnee, Delawares and freedmen to proceeds of Cherokee lands.

SEC. 2. That the said Shawnees, Delawares, and freedmen shall have a right, either separately or jointly, to begin and prosecute a suit or suits against the Cherokee Nation and the United States Government to recover from the Cherokee Nation all moneys due either in law or equity and unpaid to the said Shawnees, Delawares, or freedmen, which the Cherokee Nation have before paid out, or may hereafter pay, per capita, in the Cherokee Nation, and which was, or may be, refused to or neglected to be paid to the said Shawnees, Delawares, or freedmen by the Cherokee Nation, out of any money or funds which have, or may be, paid into the treasury of, or in any way have come, or may come, into the possession of the Cherokee Nation, Indian Territory, derived from the sale, leasing, or rent for grazing purposes on Cherokee lands west of ninety-six degrees west longitude, and which have been, or may be, appropriated and directed to be paid out per capita by the acts passed by the Cherokee council, and for all moneys, lands, and rights which shall appear to be due to the said Shawnees, Delawares, or freedmen under the provisions of the aforesaid articles of the treaty and articles of agreement.

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[a] This act is amended by the act of July 6, 1892, chapter 151 (post, p. 446). Other legislation relative to the Shawnee is that relating to the Kansas lands of the Black Bob band, March 3, 1879, J. R., No. 12 (20 Stat., 488), and March 1, 1889, chapter 321 (ante, p. 324). The act of October 19, 1888 (25 Stat., 608), secured part of the Cherokee funds to a part of the Shawnee incorporated into the Cherokee Nation.

By the act of March 3, 1893 (27 Stat., 641), a part of the funds arising from the sale of the Cherokee Outlet are directed to be held pending the determination of suits against the United States brought under the above act. By the act of May 27, 1896, chapter 888 (post, p. 752), funds of the Eastern Shawnee are to be credited with interest at five per cent. See note to 1872, chapter 151 (ante, p. 131).

Style of suit.

SEC. 3. That the said suit or suits may be brought in the name of the principal chief or chiefs of the said Shawnee and Delaware Indians, and for the freedmen and in their behalf and for their use in the name of some person as their trustee, to be selected by them with the approval of the Secretary of the Interior. And the exercise of such jurisdiction shall not be barred by any lapse of time heretofore, nor shall the rights of such Indians be impaired by any acts passed and approved by the Cherokee national council. Suits may be instituted within twelve months after the passage of this act, and the law and practice and rules of procedure in such courts shall be the practice and law in these cases; and copies of petitions filed in the case at the commencement of the suit shall be served upon the Attorney-General of the United States and on the principal chief in the Cherokee Nation by the marshal of the district court for the Indian Territory; and that the costs of the said suits shall be apportioned between the United States and the other parties to such suits as to said court law and equity shall require. The Attorney-General shall designate and appoint from the Department of Justice a person who is competent to defend the said Cherokee Nation and the United States. And the said Shawnees, Delawares, and freedmen may be represented by attorneys and counsel. And the court is hereby authorized to decree the amount of compensation of such attorneys and counsel fees, not to exceed ten per centum of the amount recovered, and order the same to be paid to the attorneys and counsel of the said Shawnees, Delawares, and freedmen; and all judgments for any sum or sums of money which may be ordered or decreed by such court in favor of the Shawnees, Delawares, or freedmen, and against the Cherokee Nation, shall be enforced by the said court or courts against the said Cherokee Nation by execution mandamus, or in any other way which the said court may see fit.

Lapse of time, not to bar.

Proceedings.

Counsel.

Attorneys' fees.

Enforcement of judgments.

Shawnee may bring suit for moneys due from United States.

SEC. 4. That the said Shawnee Indians are hereby authorized and empowered to bring and begin a suit in law or equity against the United States Government, in the Court of Claims, to recover and collect from the United States Government any amount of money that in law or equity is due from the United States to said tribes in re-imbursement of their tribal fund for money wrongfully diverted therefrom. The right of appeal, jurisdiction of the court, process, procedure, and proceedings in the suit here provided for shall be as provided for in sections one, two, and three of this act.

Proceedings, etc.

Approved, October 1, 1890.

Oct. 1, 1890.

26 Stat., 640.

CHAP. 1252.—An act giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation.

Choctaw Nation. Ratification of coal mining leases to Choctaw Coal and Railway Company.

See note to 1898, c. 517, post, p 656.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the United States is hereby given, upon the conditions and with the limitations hereinafter set forth, and no farther, to the following-described leases of coal rights, which citizens of the Choctaw Nation have made to the Choctaw Coal and Railway Company, a corporation created by the laws of the State of Minnesota, copies of which leases, eleven in number, have been filed and deposited with the Secretary of the Interior, namely:

Leases.

First. A lease bearing date the twentieth day of May, eighteen hundred and eighty-nine, between James F. Freeney and John M. Grady, citizens of the Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in the clerk's office of Gaines County, Choctaw Nation, June third, eighteen hundred and eighty-nine, in record-book numbered one, pages two hundred and six and two hundred and fourteen, inclusive.

Second. A lease bearing date the first day of August, eighteen hundred and eighty-nine, between Jonas Durant, John M. Grady, James F. Freeney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered , pages twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four, inclusive, of the records of Gaines County, Choctaw Nation, on the eighteenth day of August, eighteen hundred and eighty-nine.

Third. A lease bearing date the first day of August, eighteen hundred and eighty-nine, between Mrs. John Adams, John M. Grady, James F. Freeney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company. Recorded in record-book numbered B, pages twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight, inclusive, of the records of Gaines County, Choctaw Nation, on the nineteenth day of August, eighteen hundred and eighty-nine.

Fourth. A lease bearing date the first day of August, eighteen hundred and eighty-nine, between Moses Williams, John M. Grady, James F. Freeney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, pages eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three, inclusive, of the records of Gaines County, Choctaw Nation, Indian Territory, on the nineteenth day of August, anno Domini eighteen hundred and eighty-nine.

Fifth. A lease bearing date the first day of August, eighteen hundred and eighty-nine, between Ahotubbee, Ishilatubbee, John M. Grady, James F. Freeney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book B, pages twelve, thirteen, fourteen, fifteen, sixteen, and seventeen, inclusive, of the records of Gaines County, on the nineteenth day of August, eighteen hundred and eighty-nine.

Sixth. A lease bearing date the first day of August, eighteen hundred and eighty-nine, between Ahotubbee, John M. Grady, James F. Freeney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, on pages eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three, inclusive, of the records of Gaines County, Choctaw Nation, on the eighteenth day of August, eighteen hundred and eighty-nine.

Seventh. A lease bearing date the first day of August, eighteen hundred and eighty-nine, between John M. Grady, James F. Freeney, G. M. Bond, Fritz Sittel, and Robert J. Ward, citizens of

Tobucksey and Gaines Counties, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, on pages one, two, three, four, five, inclusive, of the records of Gaines County, Choctaw Nation, on the nineteenth day of August, eighteen hundred and eighty-nine.

Eighth. A lease bearing date the first day of August, eighteen hundred and eighty-nine, between James Arnature, John M. Grady, as guardian of Henry Freeney, a minor, Josiah Gardner, G. M. Bond, and James J. McAlister, by his attorney in fact Josiah Gardner, all citizens of the Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in record-book numbered B, pages seventy-two to seventy-six, inclusive, of the records of Tobucksey County, Choctaw Nation, on the seventh day of August, eighteen hundred and eighty-nine.

Ninth. A lease bearing date the tenth day of June, eighteen hundred and eighty-nine, between Fritz Sittel, a citizen of Tobucksey County, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in book B, on pages numbered one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, inclusive, of the records of Tobucksey County, Choctaw Nation, on the twentieth day of October, eighteen hundred and eighty-nine.

Tenth. A lease bearing date the tenth day of June, eighteen hundred and eighty-nine, between W. B. Pitchlyn and Fritz Sittel, citizens of Tobucksey County, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company. Recorded on record-book numbered B, on pages ninety-nine, one hundred, one hundred and one, one hundred and two, inclusive, of the records of Tobucksey County, Choctaw Nation, on the nineteenth day of October, eighteen hundred and eighty-nine.

Eleventh. A lease bearing date the first day of August, eighteen hundred and eighty-nine, between Simon James, Robert James, James F. Freeney, John M. Grady, G. M. Bond, Fritz Sittel, and R. J. Ward, citizens of Tobucksey and Gaines County, Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company of the other part. Recorded in record-book numbered B, on pages one hundred and two, one hundred and three, one hundred and four, one hundred and five, inclusive, of the records of Tobucksey County, Choctaw Nation, on the nineteenth day of October, eighteen hundred and eighty-nine.

Conditions.

The conditions and limitations upon which, and the extent to which, said consent is given are as follows:

Limit of area.

First. That neither the lessees, nor any one under them, shall exercise any rights of any kind under or by virtue of any of said leases over, in, or upon an area beyond or outside of one square mile.

Period.

Second. That no one of said leases shall continue in force for a longer period than thirty years from the passage of this act.

Report of coal mined, royalties, etc.

Third. That the lessees, or those holding under them, shall, during the first week of each month, render to the Secretary of the Interior a statement under the oath of its president, or at least one of any joint owners under said lessee, showing the amount of coal taken from the mines covered by said leases as herein prescribed, for the month preceding, and the royalties paid to the said Choctaw Nation, and the individual citizens holding said rights, and the price per ton the same has been sold by those having the right to mine the same under the said leases.

Restriction of prices for sales.

Fourth. That no higher rate per ton than the average rate per ton for which such coal has for the next six months next preceding the first day of September, eighteen hundred and ninety, been sold by said lessees, or those holding under them, shall, during said thirty years, be exacted of any purchaser, except upon the written permission of the Secretary of the Interior.

All obligations of lessees to be performed.

Rights restricted to mining, etc.

Fifth. That all the obligations of said leases, except as the same may be herein modified or limited, shall be faithfully preserved and performed by said lessees, or those holding under them, and that no right shall be claimed or exercised in the lands covered by said leases or the surface thereof, except such as shall be proper and necessary for the profitable development and working of the mines therein, and ingress and egress to and from the same, and for the erection and maintenance of necessary and proper machinery for said purposes.

Rights of Chickasaw, etc., not impaired.

SEC. 2. That the consent hereby given shall in no way impair or affect the rights which any person or persons, or the Chickasaw Nation of Indians, may have had before the passage of this act in and to the subject-matter of said leases. And nothing in this act contained shall be construed as validating, impairing, or in any way affecting the right of the lessors to make the same, or the authority under or by virtue of which they have been executed or any other lease or leases already or hereafter made.

Violation of conditions to forfeit consent.

SEC. 3. That any violation of, or failure to conform to, any of the conditions or limitations herein set forth on the part of said lessees, or those holding under them, shall be taken and deemed to be a forfeiture and revocation of the consent herein given without further action on the part of the United States.

Approved, October 1, 1890.

Oct. 1, 1890.

26 Stat., 658.

CHAP. 1271.—An act to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes.

Round Valley Indian Reservation, Cal.

Agricultural lands to be allotted in severalty to Indians.

Ante, p. 33.

Proviso.

Quantities to be allotted.

Reservation for agency, school, and mission.

Grazing and timber lands.

Commission to select.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized and directed to cause the agricultural lands in the Round Valley Indian Reservation, in the State of California, to be surveyed into ten-acre tracts, and to allot the same in severalty to the Indians belonging thereon, under the provisions of the act of Congress approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes:" *Provided*, That he may cause said agricultural lands to be allotted in such quantities and to such classes as he may deem expedient and for the best interests of said Indians: *And provided further*, That a sufficient quantity of said agricultural lands shall be reserved for agency, school, and mission purposes. In addition to the allotments of agricultural lands to said Indians in severalty, there shall be reserved a reasonable amount of grazing and timber lands for their use, to be used by said Indians in common, or the President may at any time, in his discretion, cause the same to be allotted in severalty under the provisions of said act of February eighth, eighteen hundred and eighty-seven, in such quantities and to such classes as he may deem expedient. Said grazing and timber lands shall be selected by a commission of three disinterested persons to be selected by the President.

Appraisement of agricultural lands.

SEC. 2. That said commission shall appraise the value of any and all tracts of agricultural lands within the Round Valley Indian Reservation, with the improvements thereon, which have become the property of individuals by purchase from the State of California or from persons deriving title from said State, and shall also appraise the value of

17 Stat., 634.

Report.

Payment.

Title to vest in the United States.

Removal of occupants.

all improvements made by private persons or firms, before the third day of March, eighteen hundred and seventy-three, upon any of the lands included in the reservation as established under the act of Congress approved March third, eighteen hundred and seventy-three, other than those actually disposed of by said State of California, and within the lands selected and retained for the Indians, under the provisions of this act, and shall report the same to the Secretary of the Interior, who shall cause payment to be made for such appraised lands and the improvements thereon, and also for such improvements as may be located upon the lands selected for the Indians in common, or upon any of the unappraised agricultural lands within the reservation, as hereby established, to the proper owners thereof, out of the money hereinafter appropriated. Upon payment of the appraised value of such appraised lands and improvements, or upon tender of payment, the title to said lands shall become vested in the United States, and all persons to whom such payment or tender of payment shall be made, and all persons claiming through or under them, shall immediately remove from the reservation as herein established, and upon failure to remove within a period of sixty days after said payment or tender of payment, the military forces of the United States, if necessary, may be employed to effect their removal.

Survey, remainder of grazing and timber lands.

Appraisement by commission.

Sale of lands.

Persons owning improvements to have preference.

Payment for improvements.

SEC. 3. That the remainder of the grazing and timber lands included in the reservation as at present existing shall be surveyed into tracts of six hundred and forty acres each, and the boundary lines of the reserved lands shall be run and properly marked. Upon the completion of said surveys the said remainder of the grazing and timber lands shall be appraised in tracts of six hundred and forty acres each by a commission of three disinterested persons, to be appointed by the President, which commission shall also appraise all improvements placed upon said tracts before the third day of March, eighteen hundred and seventy-three, and determine the ownership thereof. The said appraisements shall be subject to approval by the Secretary of the Interior. The said lands when surveyed and appraised shall be sold at the proper land-office of the United States, by the register thereof, at public sale, after due notice, to the highest bidder, at a price not less than the appraised value, and not less than one dollar and a quarter per acre. Each purchaser at such sale shall pay the full purchase price at the time of purchase. Any person or persons having appraised improvements upon any of said tracts shall have preference right to purchase the tract or tracts upon which said improvements are located at the appraised value thereof. Upon failure of any such person or persons to purchase a tract upon which his or their improvements are located, said tract and improvements shall be sold at not less than the appraised value, and an amount equal to the appraised value of the improvements shall be paid to the owner or owners of such improvements.

Proceeds of sale to be placed to credit of Indians.

Interest.

Proviso.

Use of principal.

SEC. 4. That the funds arising from the sale of said reservation lands, after paying the expenses of survey, appraisement, and sale, and re-imbursing the United States for payment of lands and improvements, as provided in section two of this act, shall be placed in the Treasury of the United States to the credit of said Indians, and the same shall draw such rate of interest as is now or may be hereafter provided by law, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior: *Provided*, That an amount not exceeding one-tenth of the principal sum may be also expended for their benefit during any fiscal year, if deemed necessary by the Secretary of the Interior.

Appropriation for expenses.

SEC. 5. That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of the survey, appraisement, and sale of said lands, and for the appraisement of lands, and improvements, and payment of the same.

Repeal.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, October 1, 1890.

Oct. 1, 1890.

26 Stat., 659.

CHAP. 1272.—An act authorizing the Secretary of the Interior to ascertain damages resulting to any person who had settled upon the Crow Creek and Winnebago reservations in South Dakota between February twenty-seventh, eighteen hundred and eighty-five, and April seventeenth, eighteen hundred and eighty-five.

Crow Creek and Winnebago reservations, S. Dak.

Special agent to examine, etc., claims of losses by settlers.

Examinations.

Report.

Compensation, etc.

Appropriation.

Report to Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall designate a special agent of the Interior Department who shall, as soon as practicable, under the direction of the Secretary of the Interior, make inquiry and report to the Secretary of the Interior upon the claims for losses of all persons who in good faith, between the twenty-seventh day of February, eighteen hundred and eighty-five, and the seventeenth day of April, eighteen hundred and eighty-five, settled upon and made claims under the land laws of the United States to any of the lands in the Crow Creek and Winnebago Reservations, which by the proclamation of the President of February twenty seventh, eighteen hundred and eighty five, were declared to be opened for settlement. Said agent shall have power to cause witnesses to come before him at some point convenient to said reservation, and to administer oaths. He shall report what improvements were made by such persons, and the section or part of section with the township and range upon which said settler made his improvements, the value of the same, the losses sustained by reason of the revocation of the Executive order opening said lands to settlement, giving the particulars of any such losses, and all other facts connected therewith. Said agent shall be entitled to a compensation of ten dollars per day and expenses, and may employ a clerk. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of three thousand five hundred dollars, or so much thereof as may be necessary. The Secretary of the Interior shall transmit said report to Congress, with his recommendations thereon.

Approved, October 1, 1890.

Oct. 1 1890.

26 Stat., 660.

CHAP. 1273.—An act granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake Reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes.

Red Lake and Western Railway and Navigation Company may cross Red Lake Reservation, Minn.

Right of way.

Width.

Location.

Payment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Red Lake and Western Railway and Navigation Company, a corporation organized under the general laws of the State of Minnesota, of which Frank Ives has been duly elected president, a right of way for a tract of said railway one hundred feet wide, from the westerly line of said reservation, in township one hundred and fifty-two, or one hundred and fifty-three, of ranges forty-two or forty-three in said State, in a northeasterly direction, to the Red Lake River, in said State, upon paying to the United States, for the use of the Red Lake band of Chippewa Indians, as soon as the said right of way is located, and the plats thereof approved by the Secretary of the Interior, such sum as the Secretary of the Interior may direct, not less than one dollar and twenty-five cents per acre for each and every acre which shall be used and occupied by said company in the location of their said railway.

Lands on Red Lake.

Payment.

Damages.

Proviso.

To be used only for railroad, etc., purposes.

Buildings for employees.

SEC. 2. That for the purpose of aiding the said company to construct a railway to the navigable waters of said lake, or navigable waters connected therewith, there is hereby granted to the said Red Lake and Western Railway and Navigation Company the right to take and use one hundred and sixty acres of the lands in said reservation, to be by said company selected at some place or point on Red Lake River on the line of said railway in said State far enough up said river to admit of good and unimpeded navigation by water from said location to Red Lake Indian Agency, upon paying to the United States for the use of said Indians such sum as the Secretary of the Interior may direct, not less than the sum of one dollar and twenty-five cents per acre for each and every acre thereof, and also whatever amount may be fixed by the Secretary of the Interior for such right and for the damages arising to any individual Indian or Indians for actual improvements which he or they may have thereon: *Provided*, That no part of said lands shall be used, directly or indirectly, for town-site purposes, it being the intention hereof that said lands shall be held for general railway uses and purposes only, including stock-yards, warehouses, elevators, docks, and terminal and other facilities of and for said railway, but nothing herein contained shall be construed to prevent any such railway company from building upon such lands houses for the accommodation of their employees.

Survey, etc.

Provisos.
Construction of railway.

Consent of Indians.

Secretary of Interior to prescribe rules, etc., for location, etc.

SEC. 3. That said location may be made by said company upon a survey made by themselves. And upon the final survey of said lands by the United States, and the approval of the plats thereof by the Secretary of the Interior, the said railway company shall, within ninety days, pay for said rights to take land as hereinbefore provided: *Provided*, That within three years from the passage of this act the said railway and navigation company, at their own cost and charge, shall construct a standard gauge railway from the terminus of the Red River and Lake of the Woods Railway, at Saint Hilaire, in the county of Polk, in said State, to the lands so selected and entered and maintain the same in good condition for railroad purposes; otherwise all the rights herein granted shall become null and void, and forfeited to the United States without further action of Congress: *Provided further*, That before these privileges shall become operative the consent of a majority of the male adults of the said Red Lake Chippewa Indians shall be obtained in such form and manner as the President shall prescribe: *And provided further*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior may prescribe.

Amendment, etc.

SEC. 4. That Congress may at any time amend, add to, alter, or repeal, this act.

Approved, October 1, 1890.

Oct. 1, 1890.

26 Stat., 661.

CHAP. 1274.—An act to extend and amend "An act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

Right of way to Fort Worth and Denver City Railway Company through Indian Territory.
1887, c. 254, ante, p. 207.

Time for construction extended.

Proviso.
Change of route.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act approved February twenty-fourth, eighteen hundred and eighty-seven, granting the right of way through the Indian Territory to the Fort Worth and Denver City Railway Company, and other purposes, shall be extended for a period of three years from February twenty-fourth, eighteen hundred and ninety, so that said company shall have until February twenty-fourth, eighteen hundred and ninety-three, to build the first fifty miles of its railway: *Provided*, That said railway shall start its line on the Fort Worth and Denver City Railway Company at a point between Henrietta and Iowa Park, near the southern boundary of the Indian Territory, and that said railway shall enter and cross into the Indian Territory between the ninety-eighth and ninety-ninth meridians of longitude, and that the said act of February twenty-fourth, eighteen hundred and eighty-seven, be, and the same is hereby, amended accordingly, and is in all things else except as herein amended continued in force.

Approved, October 1, 1890.

Oct. 1, 1890.
26 Stat., 661.

CHAP. 1275.—An act granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian Reservation in Washington.

Northern Pacific and Yakima Irrigation Company granted canal right of way through Yakima Indian Reservation, Wash.
Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Northern Pacific and Yakima Irrigation Company, a corporation organized and existing under the laws of the State of Washington, for the construction of an irrigating canal through the Yakima Indian Reservation from a point on the boundary of said reservation in either sections four, eight, nine or ten, township twelve north, range eighteen east, of the Willamette meridian, in Yakima County, in the State of Washington; thence extending in a southeasterly direction to a point on the boundary of said reservation at section seventeen, township twelve north, range nineteen east, of the said meridian.

Width.
Material, etc.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said canal as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said canal material, stone, earth, and timber necessary for the construction of said canal.

Compensation to Indians.
Damages.
Secretary of the Interior to approve location, etc.
Regulations, etc.
Proviso.
Consent of Indians.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and for whatever property of said Indians may be taken in the construction of said canal, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said canal; but no right of any kind shall vest in said irrigation company in or to any part of the right of way herein provided for until plats thereof, made upon actual surveys for the definite location of such canal, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing, and be opened for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such canal shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way and compensation shall be obtained by said irrigation company, in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company.

No assignment before completion.
Proviso.
Construction mortgage.
Completion.

SEC. 4. That said company shall not assign, or transfer, or mortgage this right of way for any purpose whatever until said canal shall be completed: *Provided*, That the company may mortgage said franchise for money to construct and complete said canal: *And provided further*, That the right herein granted shall be lost and forfeited by said company unless the canal is constructed across said reservation within two years from the passage of this act.

Condition of acceptance.

SEC. 5. That said irrigation company shall accept this right of way upon the express condition, binding upon itself, its successors or

Proviso.
Forfeiture.

assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said irrigation company under this act.

Amendment, etc.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, October 1, 1890.

Oct. 1, 1890.
26 Stat., 653.

CHAP. 1277.—An act granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian Reservation.

Newport and King's Valley Railroad Company may cross Siletz Indian Reservation.
Right of way.
Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted to the Newport and Kings Valley Railroad Company, a corporation organized and existing under the laws of the State of Oregon, for the construction of its railroad through the Siletz Indian Reservation, beginning at a point on the easterly line of said reservation where Rock Creek crosses said line and running thence westerly down the valley of Rock Creek and the valley of Siletz River to the western boundary of said reservation at or near the southwest corner thereof.

Width.
Material, etc.
Stations, etc.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Compensation to Indians.
Damages.
Secretary of Interior to approve location, etc.
Provisos.
Consent of Indians.
Transportation charges.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-building, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe, before any right under this act shall accrue to said company: *And provided further*, That no greater rate shall be charged upon said road within said reservation for the transportation of passengers or freight than is charged for a like service outside of said reservation.

No assignment before completion.
Provisos.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise,

Construction mortgage.
Completion.

together with the rolling stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

Condition of acceptance.
Proviso.
Forfeiture.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Amendment, etc.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, October 1, 1890.

Oct. 1, 1890.
26 Stat., 664.

CHAP. 1278.—An act to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado in lieu of certain other lands in said State conveyed by the said company to the United States.

Rio Grande Junction Railway Company.
Conveyance to, of lands in Colorado, for right of way, etc.
Location.
Provisos.
Conveyance of lands in lieu, by the company.
Location.
Water rights.
Fence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to convey in fee to the Rio Grande Junction Railway Company, for right of way and other necessary railroad purposes, a strip of land in Mesa County, State of Colorado, now held by the United States for school purposes in connection with Grand Junction Indian school, said land being described as follows: Beginning at a point on the Ute meridian one thousand seven hundred and sixty-nine and seven-tenths feet north of the southwest corner of section eighteen, township one south of range one east of the Ute meridian; thence running northward along the said Ute meridian to the northwest corner of the southwest quarter of said section eighteen; thence easterly along the north line of the said southwest quarter of section eighteen to the northeast corner of the said southwest quarter of section eighteen; thence in a southerly direction along the east line of the said southwest quarter of section eighteen forty feet; thence in a straight line and in a southwesterly direction to the place of beginning, not to exceed in the aggregate twenty-six and three-tenths acres: *Provided*, That the said railway company shall first convey or cause to be conveyed to the United States in fee, which conveyance shall be satisfactory to the Attorney-General of the United States, the following-described land, in lieu of the land to be conveyed to the said company as herein provided: Commencing at the southeast corner of the southwest quarter of section eighteen, township one south, of range one east, of the Ute meridian; thence running east along the south line of said section eighteen seventy rods; thence north eighty rods, more or less; to the north line of the southwest quarter of the southeast quarter of said section eighteen; thence west seventy rods to the east line of the southwest quarter of said section eighteen; thence south eighty rods, more or less, to the place of beginning; being the west thirty-five acres of the south half of the southeast quarter of section eighteen, township one south, of range one east, of the Ute meridian, together with water rights appurtenant thereto, including twenty-two statute inches of water from the Mesa County ditch, for the irrigation of said land: *Provided further*, That the said railway company shall build and maintain a fence the line of railway next to the school lands: *And* *provided also*, That the United States reserves the unrestricted right of way for irrigation purposes over said land to be conveyed to said company as herein provided.

Right of way for irrigation reserved.

Approved, October 1, 1890.

ACTS OF FIFTY-FIRST CONGRESS—SECOND SESSION, 1891.

Jan. 12, 1891.
26 Stat., 712.

CHAP. 65.—An act for the relief of the Mission Indians in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That immediately after the passage of this act the Secretary of the Interior shall appoint three disinterested persons as commissioners to arrange a just and satisfactory settlement of the Mission Indians residing in the State of California, upon reservations which shall be secured to them as hereinafter provided.

Mission Indians, Cal. Settlement upon reservations.
Appointment of commission.
1892, c. 189, post, p. 440.

SEC. 2. That it shall be the duty of said commissioners to select a reservation for each band or village of the Mission Indians residing within said State, which reservation shall include, as far as practicable, the lands and villages which have been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements, which selection shall be valid when approved by the President and Secretary of the Interior. They shall also appraise the value of the improvements belonging to any person to whom valid existing rights have attached under the public-land laws of the United States, or to the assignee of such person, where such improvements are situated within the limits of any reservation selected and defined by said commissioners subject in each case to the approval of the Secretary of the Interior. In cases where the Indians are in occupation of lands within the limits of confirmed private grants, the commissioners shall determine and define the boundaries of such lands, and shall ascertain whether there are vacant public lands in the vicinity to which they may be removed. And the said commission is hereby authorized to employ a competent surveyor and the necessary assistants.

Duties of commissioners.
Selection of reservations.
Appraisal of improvements.
Removals from confirmed private grants.
Surveyor and assistants.

SEC. 3. That the commissioners, upon the completion of their duties, shall report the result to the Secretary of the Interior, who, if no valid objection exists, shall cause a patent to issue for each of the reservations selected by the commission and approved by him in favor of each band or village of Indians occupying any such reservation, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus patented, subject to the provisions of section four of this act, for the period of twenty-five years, in trust, for the sole use and benefit of the band or village to which it is issued, and that at the expiration of said period the United States will convey the same or the remaining portion not previously patented in severalty by patent to said band or village, discharged of said trust, and free of all charge or incumbrance whatsoever: *Provided*, That no patent shall embrace any tract or tracts to which existing valid rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain, unless such person shall acquiesce in and accept the appraisal provided for in the preceding section in all respects and shall thereafter, upon demand and payment of said appraised value, execute a release of all title and claim thereto; and a separate patent, in similar form, may be issued for any such tract or tracts, at any time thereafter. Any such person shall be permitted to exercise the same right to take land under the public-land laws of the United States as though he had not made settlement on the lands embraced in said reservation; and a separate patent.

Report.
Issue of reservation trust-patents in common.
Terms of trust.
Provisos.
Existing valid rights.
Lieu-lands to accepting settlers.
Settlers' rights.

Lieu-lands to accepting railroads.

Custody of trust-patents.

Copies.

in similar form, may be issued for any tract or tracts at any time after the appraised value of the improvements thereon shall have been paid: *And provided further*, That in case any land shall be selected under this act to which any railroad company is or shall hereafter be entitled to receive a patent, such railroad company shall, upon releasing all claim and title thereto, and on the approval of the President and Secretary of the Interior, be allowed to select an equal quantity of other land of like value in lieu thereof, at such place as the Secretary of the Interior shall determine: *And provided further*, That said patents declaring such lands to be held in trust as aforesaid shall be retained and kept in the Interior Department, and certified copies of the same shall be forwarded to and kept at the agency by the agent having charge of the Indians for whom such lands are to be held in trust, and said copies shall be open to inspection at such agency.

Allotments in severalty.

Head of family.

Single person.

SEC. 4. That whenever any of the Indians residing upon any reservation patented under the provisions of this act shall, in the opinion of the Secretary of the Interior, be so advanced in civilization as to be capable of owning and managing land in severalty, the Secretary of the Interior may cause allotments to be made to such Indians, out of the land of such reservation, in quantity as follows: To each head of a family not more than six hundred and forty acres nor less than one hundred and sixty acres of pasture or grazing land, and in addition thereto not exceeding twenty acres, as he shall deem for the best interest of the allottee, of arable land in some suitable locality; to each single person over twenty-one years of age not less than eighty nor more than six hundred and forty acres of pasture or grazing land and not exceeding ten acres of such arable land.

Patents to allottees.

In trust.

In fee.

Prior conveyances, etc., void.

Proviso.

Power of severalty patents.

SEC. 5. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State of California, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That these patents, when issued, shall override the patent authorized to be issued to the band or village as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in each of the village patents.

Rights of Indians on Mexican land grants.

Attorney-General to defend, etc.

SEC. 6. That in cases where the lands occupied by any band or village of Indians are wholly or in part within the limits of any confirmed private grant or grants, it shall be the duty of the Attorney-General of the United States, upon request of the Secretary of the Interior, through special counsel or otherwise, to defend such Indians in the rights secured to them in the original grants from the Mexican Government, and in an act for the government and protection of Indians passed by the legislature of the State of California April twenty-second, eighteen hundred and fifty, or to bring any suit, in the name of the United States, in the Circuit Court of the United States for California, that may be found necessary to the full protection of the legal or equitable rights of any Indian or tribe of Indians in any of such lands.

Compensation of commissioners.

SEC. 7. That each of the commissioners authorized to be appointed by the first section of this act shall be paid at the rate of eight dollars per day for the time he is actually and necessarily employed in the discharge of his duties, and necessary traveling expenses; and for the payment of the same, and of the expenses of surveying, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Appropriation.

Rights of way across reservations, prior to patent.

Secretary of Interior may grant.

For water pipes, etc.

Conditions.

For railroads, etc.

Provisos.

Conditional bond etc.

Limit of distance.

Rights of way, after issue of patents.

Subject to approval of Secretary of Interior.

SEC. 8. That previous to the issuance of a patent for any reservation as provided in section three of this act the Secretary of the Interior may authorize any citizen of the United States, firm, or corporation to construct a flume, ditch, canal, pipe, or other appliances for the conveyance of water over, across, or through such reservation for agricultural, manufacturing, or other purposes, upon condition that the Indians owning or occupying such reservation or reservations shall, at all times during such ownership or occupation, be supplied with sufficient quantity of water for irrigating and domestic purposes upon such terms as shall be prescribed in writing by the Secretary of the Interior, and upon such other terms as he may prescribe, and may grant a right of way for rail or other roads through such reservation: *Provided*, That any individual, firm, or corporation desiring such privilege shall first give bond to the United States, in such sum as may be required by the Secretary of the Interior, with good and sufficient sureties, for the performance of such conditions and stipulations as said Secretary may require as a condition precedent to the granting of such authority: *And provided further*, That this act shall not authorize the Secretary of the Interior to grant a right of way to any railroad company through any reservation for a longer distance than ten miles. And any patent issued for any reservation upon which such privilege has been granted, or for any allotment therein, shall be subject to such privilege, right of way, or easement. Subsequent to the issuance of any tribal patent, or of any individual trust patent as provided in section five of this act, any citizen of the United States, firm, or corporation may contract with the tribe, band, or individual for whose use and benefit any lands are held in trust by the United States, for the right to construct a flume, ditch, canal, pipe, or other appliances for the conveyance of water over, across, or through such lands, which contract shall not be valid unless approved by the Secretary of the Interior under such conditions as he may see fit to impose.

Approved, January 12, 1891.

Jan. 19, 1891.

26 Stat., 720.

CHAP. 77.—An act to enable the Secretary of the Interior to carry out, in part, the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March second, eighteen hundred and eighty-nine, and making appropriations for the same and for other purposes.

Preamble.
See note, 1876, c. 289, ante, p. 166.

Whereas in accordance with section twenty-eight of the act of March second, eighteen hundred and eighty-nine, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes" (public one hundred and forty-eight), the President of the United States has made known, by proclamation, that satisfactory proof has been presented to him that the consent of the different bands of the said Sioux Nation of Indians to the said act has been obtained in the manner and form required by the said twelfth article of the treaty of April twenty-ninth, eighteen hundred and sixty-eight: Therefore,

Sioux Indian Reservation, Dak., appropriations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, or so much thereof as may be necessary, be, and the same are hereby,

Immediately available.
1889, c. 405, ante, p. 328.

appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available to enable the Secretary of the Interior to comply with and carry out certain provisions of the act of Congress approved March second, eighteen hundred and eighty-nine (public one hundred and forty-eight, Statutes twenty-five, page eight hundred and eighty-eight), and for other purposes:

Schools, etc.
Vol. 2, p. 998.
Proviso.
Compulsory attendance.

For the erection of day and industrial schools, providing furniture and other necessary articles, and pay of teachers, in accordance with article seven of the treaty of April twenty-ninth, eighteen hundred and sixty-eight, which said article of treaty is continued in force for twenty years by section seventeen of the above-mentioned act of March second, eighteen hundred and eighty-nine: *Provided*, That as fast as school facilities are furnished the Secretary of the Interior is hereby authorized and required to compel all children between the ages of six and sixteen to attend the schools on the reservation at least nine months in the year, except such as may be attending school elsewhere, one hundred and fifty thousand dollars.

Schoolhouses

For the erection of fifteen school buildings, provided for in article twenty of the above-mentioned act of March second, eighteen hundred and eighty-nine, fifteen thousand dollars.

Payment for ponies to Indians of Standing Rock and Cheyenne River agencies.
Provisos.
To be accepted in full.
Heirs at law.

To enable the Secretary of the Interior to pay to such individual Indians of the Standing Rock and Cheyenne River Agencies as he shall ascertain to have been deprived by the authority of the United States of ponies in the year eighteen hundred and seventy-six, at the rate of forty dollars for each pony: *Provided*, That the sum paid to each individual Indian under this provision shall be taken and accepted by such Indian in full compensation for all loss sustained by such Indian in consequence of the taking from him of ponies as aforesaid: *And provided further*, That if any Indian entitled to such compensation shall have deceased the sum to which such Indian would be entitled shall be paid to his heirs at law, according to the laws of the State of Dakota, two hundred thousand dollars.

Sioux Nation.
Additional beef rations.

To enable the Secretary of the Interior to purchase for the Sioux Nation of Indians additional beef required for issue, the rations having been reduced on account of reduced appropriation for the fiscal year ending June thirtieth, eighteen hundred and ninety, one hundred thousand dollars.

Santee Sioux in Nebraska.
Purchase of lieu severalty lands.

To enable the Secretary of the Interior to purchase lands for such of the Santee Sioux Indians in Nebraska as have been unable to take lands in severalty on their reservations in Nebraska by reason of the restoration of the unallotted lands to the public domain, thirty-two thousand dollars.

Continuing appropriations.

SEC. 2. That the funds appropriated by this act shall not be liable to be covered into the Treasury, but shall remain on said books until used and expended for the purposes for which they have been appropriated.

Proportionate division of permanent fund.
Separate diminished reservation accounts.
Expenditures limited.

SEC. 3. That the principal of the permanent fund provided for under section seventeen of the said act of March second, eighteen hundred and eighty-nine, dividing a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and for other purposes, shall be divided in proportion to the number of Indians entitled to receive rations and annuities upon the separate reservations created by the above act, or residing and belonging thereon at the time the said act took effect, and the Secretary of the Treasury shall carry the amount of principal of said permanent fund belonging to the Indians of each of the diminished reservations to the credit of the Indians of each of the said diminished reservations, separate and distinct from each other, and the principal as well as the interest of each of said funds shall be expended for the purposes specified in said article seventeen of the above-mentioned act, only for the use and benefit of the said Indians so entitled to receive rations and annuities upon each of the said separate diminished reservations or so residing and belonging thereupon.

Purchases for military posts near reservations to be made from Indians.

SEC. 4. That the Secretary of War be, and he is hereby, authorized and directed when making purchases for the military posts or service on or near Indian reservations to purchase in open market, from the Indians as far as practicable, at fair and reasonable rates, not to exceed the market prices in the localities, any cattle, grain, hay, fuel, or other produce or merchandise they may have for sale and which may be required for the military service.

Approved, January 19, 1891.

Feb. 10, 1891.

26 Stat., 745.

CHAP. 129.—An act granting to the Umatilla Irrigation Company a right of way through the Umatilla Indian Reservation in the State of Oregon.

Umatilla Irrigation Company granted canal right of way through Umatilla Indian Reservation, Oreg.

Note, 1882, c. 392, ante, p. 209.

For irrigation purposes.

Location.

1894, c. 26, post, p. 509.

Diversion of waters from their beds.

Construction, etc., of reservoirs, etc.

Conditions of grant.

Water for lands on reservation.

Vested rights of occupants, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Umatilla Irrigation Company, a corporation organized and existing under the laws of the State of Oregon, for the construction and maintenance of a water ditch or canal for irrigation purposes from any convenient point on the Umatilla Indian Reservation, in Umatilla County, State of Oregon, near the headwaters of the Umatilla River, across said reservation to Wild Horse Creek, its northwestern boundary, at any convenient point, with the right to divert the waters of said Umatilla River and tributary streams from their beds, and for such purpose to construct and maintain reservoirs, dams, flumes, ditches, and such other structures and devices as may be necessary foi storing, conveying, and distributing water at such points as such company may desire to use the same. The rights herein granted are upon express condition that, during their continuance, the grantees or their assigns shall furnish all occupants of lands of said reservation, so situated as to be capable of irrigation from any ditches constructed by them hereunder, with water sufficient for purposes of agricultural and domestic uses and irrigation under such rules and regulations and on such terms as the Secretary of the Interior shall prescribe; and shall not divert or diminish the volume of water in said streams or exhaust either of them, so far as to impair vested rights, or to hinder, or prevent the occupants of lands on said reservation the full enjoyment of said streams either for power, irrigation, or domestic purposes.

Width.

Adjacent ground for reservoirs, etc.

Limit.

Material, etc.

SEC. 2. That the right of way hereby granted to said company shall be fifty feet in width on each side of the center line of said ditch or canal, together with ground adjacent to such right of way for dams, reservoirs, and distributing ditches, not exceeding ten acres in the aggregate for every ten miles of said ditch or canal; and said company shall also have the right to enter upon lands adjacent to the line of said ditch or canal and to take therefrom material, stone, earth, and timber necessary for the construction of said ditch or canal.

Ante, p. 224.

Appointment of commissioners to fix compensation to the Indians, etc.

SEC. 3. That whereas E. J. Summerville, J. P. Bushee, and J. B. Eddy have been appointed by the Secretary of the Interior as Commissioners to appraise the lands of said reservation for the purpose of carrying into effect the provisions of the act of Congress entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March third, eighteen hundred and eighty-five, and are now acting as such Commissioners, they are hereby appointed Commissioners to fix the amount of compensation to be paid the Indians for such right of way and other grounds, estimating the same by the smallest legal subdivisions in accordance with the public surveys; and also to ascertain and fix the amount of compensation to be made individual members of the confederated tribes of Umatilla, Walla Walla, and Cayuse Indians for damages sustained by them by reason of said ditch or canal crossing lands now inclosed or improved by them; and said compensation and damages shall be ascertained and adjusted, and all surveys made pursuant to such regulations as the Secretary of the Interior shall prescribe, and shall be subject to his approval. In case of the inability or refusal of said Commissioners, or any of them, to act, the Secretary of the Interior shall by appointment supply the vacancy or vacancies so caused. The compensation of said Commissioners shall be the same as that now received for the services rendered by them under their aforesaid appointment, and shall be paid by said company: *Provided*, That the consent of the Indians to said diversion of water, compensation, and right of way shall be obtained by said irrigation company in such manner as the Secretary of the Interior shall prescribe before any right under this act shall accrue to said company.

Damages to individuals of confederated tribes.

Ascertainment, etc., of compensation and damages.

Supplying vacancies.

Compensation of commissioners.

Proviso.
Prior consent of Indians to be obtained.

SEC. 4. That said company shall not assign, or transfer, or mortgage its right of way for any purpose whatever until said canal shall be completed; except, however, that the company may mortgage said franchise for the purpose of raising money to construct and build said canal: *And provided further*, That the right herein granted shall be lost and forfeited by said company unless the canal is constructed across said reservation within three years from the passage of this act.

No mortgage, etc., until completion, save for construction purposes.

Proviso.
Completion.

SEC. 5. That the right of immediate entry upon the lands of said reservation for the purpose of making surveys of the line of the ditch or canal of said company is hereby granted, but no right of any kind in or to any part of the right of way or other grounds above mentioned shall vest in said company until plats thereof, made upon actual survey for the definite location of said ditch or canal, including the points for dams, reservoirs, and distributing ditches, with the amount of ground requisite for such purposes, shall be filed with the Secretary of the Interior, and until the compensation for said lands and for the services of said Commissioners has been fixed and paid.

Immediate entry for surveys.

Limitation.

Plats to be filed with Secretary of Interior.

Prepayment for lands and commissioners' services.

SEC. 6. That whereas under the provisions of the act of Congress above mentioned the lands of said reservation are soon to be allotted to the Indians belonging thereto in severalty, the Secretary of the Interior shall hold the moneys paid to him by said company for right of way and other grounds, as above provided, until such allotment in severalty shall have been perfected, and thereupon he shall pay over to the Indians to whom shall be allotted the lands traversed by said ditch or canal the amount of compensation assessed by the Commissioners as properly appertaining to the tract of land to each Indian allotted. Payments for improved or inclosed lands held by Indians prior to such allotment and damaged by the construction of said ditch or canal shall be made to the several Indians affected thereby immediately upon the appraisement of said Commissioners being made, and vouchers for such payments, attested by the agent in charge of the reservation, shall be filed by said company with the Secretary of the Interior at the time of filing its plat of location of said ditch or canal.

Ante, p. 224.

Secretary of the Interior to distribute moneys received for right of way, etc., to certain Indian allottees.

Payments for damages to certain other Indian landholders.

Vouchers to be filed.

SEC. 7. That any failure in the performance of the conditions prescribed in this act shall be taken and deemed to work a forfeiture of the rights herein granted, without any act of Congress or judgment of court declaring the same.

Forfeiture.

SEC. 8. That the right to alter, amend, or repeal this act is hereby reserved.

Amendment.

Approved, February 10, 1891.

Feb. 13, 1891.

26 Stat., 749.

CHAP. 165.—An act to ratify and confirm agreements with the Sac and Fox Nation of Indians, and the Iowa tribe of Indians, of Oklahoma Territory, and to make appropriations for carrying out the same.

Preamble.

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did on the twelfth day of June, eighteen hundred and ninety, conclude an agreement with the Sax and Fox Nation of Indians, occupying a reservation in the Territory of Oklahoma, formerly a part of the Indian Territory, which said agreement is in words and figures as follows, to wit.:

Articles of agreement with the Sauk and Fox Nation of Indians, Oklahoma Territory, June 12, 1890.

See note to 1885, ch. 337, ante, p. 228.

Articles of Agreement made and entered into at the seat of Government of the Sac and Fox Nation in the Indian Territory on the twelfth day of June eighteen hundred and ninety, by and between David H. Jerome, Alfred M. Wilson and Warren G. Sayre, Commissioners on the part of the United States, appointed for the purpose and the Sac and Fox Nation, witnesseth:

ARTICLE I.
Cession to the United States of certain lands in Indian Territory by Sauk and Fox Nation.

Description.

ARTICLE I. The said the Sac and Fox Nation hereby cedes, conveys, transfers, surrenders and forever relinquishes to the United States of America, all their title, claim or interest, of every kind or character, in and to the following described tract of land or country, in the Indian Territory, to-wit: Beginning at a point on the left bank of the North fork of the Canadian River, where the West boundary line of the Creek Reservation crosses the same; thence North with said West boundary line to the right bank of the Cimarron River; thence up the said Cimarron River along the right bank thereof to a point on said right bank of said river, where the Section line between Sections Nineteen and Twenty (20) of Township Eighteen (18) North, of Range (4) East of the Indian Meridian strikes the same; thence South on the Section line between Sections Nineteen (19) and Twenty (20) Twenty nine (29) and Thirty (30) Thirty-one (31) and Thirty-two (32), of said Township Eighteen (18), and between Sections Five (5) and Six (6), Seven (7) and Eight (8) Seventeen (17) and Eighteen (18) Nineteen (19) and Twenty (20) Twenty-nine (29) and Thirty (30) Thirty-one (31) and Thirty two (32), of Townships Seventeen (17), Sixteen (16) Fifteen (15), Fourteen (14) North, and between Sections Five (5) and Six (6) Seven (7) and Eight (8) and Sections Seventeen (17) and Eighteen (18) of Township Thirteen (13) North, all in range Four (4) East of the Indian Meridian, to the Southeast corner of Section Eighteen (18) in said Township Thirteen (13); thence West on the Section line between Sections Eighteen (18) and Nineteen (19), to the Range line between Ranges Three (3) and Four (4), East of said Indian Meridian, thence South on said Range line to a point on the left bank of the North Fork of the Canadian River, where the said Range line strikes the said river; thence down the said North fork of the Canadian River, along the left bank thereof to the place of beginning:

Cession of other lands.

Also the tract of land situated in Township Ten (10) North of Range Four (4) East of said Indian Meridian, North of the North fork of the Canadian River, (not within the limits of the tract of country above-described), and bounded as follows:

Description.

Beginning at the point on the left bank of the North Fork of the Canadian River where the Range line between the Ranges Three (3) and Four (4) East strikes the said river; thence up said river along the left bank thereof to a point on said left bank where the said range Line again intersects said river; thence South on said Range Line to a point on the left bank of said River where said Range line again intersects said River; thence down said river along the left bank thereof to the place of beginning—and all other land or country in Indian Territory, in which said Sac and Fox Nation has or claims any title, claim or interest.

Provisos.
Agency quarter section excepted from cession.
Existing rights.
Sauk and Foxes may sell agency quarter section.
Exempted from allotment and homestead entry.
School and farm section.
Release of exemption.
School and farm lieu lands.

Provided however the quarter section of land on which is now located the Sac and Fox Agency shall not pass to the United States by this cession, conveyance, transfer, surrender and relinquishment, but shall remain the property of said Sac and Fox Nation, to the full extent that it is now the property of said Nation—subject only to the rights of the United States therein, by reason of said Agency being located thereon, and subject to the rights, legal and equitable, of those persons that are now legally located thereon. And it is agreed that the National Council of the said Sac and Fox Nation shall have the right at any time, subject to the approval of the Secretary of the Interior for the time being, to sell and convey said quarter section of land, or any part thereof, saving in such conveyance the rights of the United States and of persons legally located thereon—for the benefit of said Sac and Fox Nation, but shall not be subject to be taken by any citizen of the Sac and Fox Nation, in allotment, nor subject to homestead entry under any law of the United States. And the section of land now designated and set apart near the Sac and Fox Agency, for a school and farm, shall not be subject either to allotment to an Indian or to homestead entry under the laws of the United States—but shall remain as it now is and kept for school and farming purposes, so long as said Sac and Fox Nation shall so use the same,—*Provided however*, that at the time allotments are being taken, as hereinafter provided for, the National Council of said Sac and Fox Nation may release from the operation of this part of the agreement one or more quarters of said school section of land and such part or parts so released, shall thereby become subject to allotment hereunder, or to homestead entry. And for each quarter of said school section so released, the said National Council shall have the right to select anywhere in said Reservation another quarter section of land, except in Section Sixteen (16) and Section Thirty-six (36) of any Congressional Township—to be held as said school section is provided herein to be held,—so long as said Sac and Fox Nation shall use the same for school purposes or for farming purposes in connection with this said school.

ARTICLE II.
Consideration.
Rights of Sauk and Foxes to select lands in severalty.
Size, shape, etc.
Location.
Limitations.

ARTICLE II. In consideration of the cession, conveyance, transfer, surrender and relinquishment by said Sac and Fox Nation of all of their title, claim and interest, of every kind and character in and to the lands described in the preceding Article, the United States of America hereby agrees with said Sac and Fox Nation that each and every citizen thereof over the age of Eighteen (18) years shall have the right to select for himself one fourth of a section of land in one body, in a square form, to conform in boundaries to the legal surveys, anywhere in the tract of country hereinbefore described, except in Sections Sixteen (16) and Thirty-six (36) in each Congressional Township and said one quarter section of land where said Agency is located and said school section or other lands selected in lieu thereof.

The father of any child, or if the father be dead, the mother, shall have the right to select for each of his or her children, under Eighteen (18) years of age, one quarter section of land, in one body, in a square form, under the same restrictions, only as above provided for citizens over the age of Eighteen (18) years. If there shall be a child under Eighteen (18) years of age, and having neither father nor mother, then the agent for the time being, at said Sac and Fox Agency, shall select for such child the same amount of land, under the same restrictions and limitations, as are above provided for other children.

ARTICLE III.
Patents for allotments.

ARTICLE III. It is further agreed that when the allotments to the citizens of the Sac and Fox Nation are made, the Secretary of the Interior shall cause patents to issue therefor in the name of the allottees which patent shall be of the legal effect and declare that Eighty (80)

In trust.

In fee.

Proviso.

Orphan allottees.

acres of land to be designated and described by the allottee, his or her agent as above provided, at the time the allotment is being made, shall be held in trust by the United States of America, for the period of Twenty-five years, for the sole use and benefit of the allottee, or his or her heirs, according to the laws of the State or Territory where the land is located; and that the other Eighty (80) acres shall be so held in trust by the United States of America for the period of five (5) years, or if the President of the United States will consent, for fifteen (15) years for like use and benefit; and that at the expiration of the said periods respectively the United States will convey the same by patent to said allottee, or his or her heirs as aforesaid, in fee, discharged of said trust and free from all incumbrances; *Provided*, that in no case shall a patent in fee be issued to a person who is an orphan at time allotment is made and un-married, until he or she shall have arrived at the age of Twenty-one (21) Years or shall marry. In order that the question of the age of any orphan allottee as aforesaid shall not be subject to future inquiry, it is agreed that the age of each orphan allottee, under the age of Twenty-one (21) years shall be fixed and ascertained by the person making the allotment and reported by him to the Department of the Interior and such report of the age of any allottee shall be held and deemed conclusive in carrying out this agreement.

ARTICLE IV.
Additional consideration.

Money payment.

Proviso.
Limitation of allotments.

Deductions for excess.

ARTICLE IV. As a further and only additional consideration for the cession, conveyance, transfer, surrender and relinquishment of all title, claim and interest in and to the tract of land described in Article I hereof, the United States agrees to pay the Sac and Fox Nation, the Sum of Four Hundred and Eighty-five Thousand $(485,000) Dollars: *Provided*, the entire number of allotments hereunder shall not exceed Five Hundred and Twenty-eight (528) and should the allotments exceed in number Five Hundred and Twenty eight (528) then there shall be deducted from said sum of Four Hundred and Eighty-five Thousand $(485,000) Dollars, the sum of Two Hundred ($200) Dollars for each allotment in excess of said number.

Distribution of money.

Retained in Treasury.

Interest.

Said sum of Four Hundred and Eighty-five Thousand ($485,000) Dollars shall be paid as follows: Three Hundred Thousand Dollars thereof shall be retained in the Treasury of the United States to the credit of the said Sac and Fox Nation, and bear interest at the rate of five per centum (5%) per annum—which interest shall become due and payable on the first day of March in each year.

To be paid out by agent.

Five thousand ($5,000) Dollars thereof shall be paid to the United States Indian Agent at the Sac and Fox Agency, to be paid out and expended by him under the direction and authority of the National Council of the Sac and Fox Nation.

Per capita distribution of residue.

The residue of said sum of Four Hundred and Eighty-five Thousand Dollars shall be paid out in currency to the citizens of the said Sac and Fox Nation, per capita, at the Sac and Fox Agency in the Indian Territory, within three months after the ratification of this agreement by Congress, as follows: Each person over the age of Twenty-one years shall receive and receipt for his or her share thereof; each person that is married shall receive and receipt for his or her share thereof whether Twenty-one years of age or not.

The United States Indian Agent at the Sac and Fox Agency shall retain and pay out the share thereof, belonging to any insane or imbecile citizen of said Nation, for his or her sole use and benefit, either for necessary support or for the improvement of his or her land; the share thereof belonging to orphan children under Twenty-one years of age and un-married, shall be retained in the Treasury of the United States, until he or she shall marry or become Twenty-one years of age, when he or she shall be entitled to receive and receipt for the same at said Sac and Fox Agency, free of charge; or if the National Council shall at any time deem any orphan child capable of taking proper care of his or her money, said Council may make an order to that effect, upon which order being made the United States Indian Agent at said Sac and Fox Agency shall make requisition for such persons money, which at the ensuing annuity payment shall be paid to such person. It is the purpose and intention and agreement that no part of this fund shall ever pass under the control of any guardian appointed by or acting under any State or Territorial authority.

Limitations.

It is further agreed that no part of said sum of Four Hundred and Eighty-five Thousand Dollars shall be applied in payment of any claim preferred against said Sac and Fox Nation, alleged to have accrued prior to the ratification of this agreement.

ARTICLE V. Allotting agents and assistants.

Allotment procedure. Notice.

Agent to make selections in certain cases.

Residue of lands, after allotments, to be open to white settlement.

ARTICLE V. It is further agreed that the Department of the Interior, shall, as soon as practicable, after the ratification of this agreement by the Congress of the United States, send to said Sac and Fox Agency a competent corps of allotting agents and necessary assistants, to make, survey, designate and describe, the allotments herein provided for—who shall give a notice in writing to the principal Chief of the Sac and Fox Nation, that they are prepared and ready to proceed in making such allotments—and said Sacs and Foxes shall then have four months from the time of giving such notice to complete the taking of their allotments, and if, at the end of such period of four months, it shall be ascertained that any of the citizens of said nation, have failed or refused to take their said allotments, then, the United States Indian Agent, for the time being, at said Sac and Fox Agency, shall make selections for such persons, which shall have the same effect, as if such persons had made such selections for themselves. It is further agreed that as soon as such allotments are so made, and approved by the Department of the Interior, and the provisional patents herein-before provided for are issued, then the residue of said tract of country, shall, as far as said Sac and Fox Nation is concerned, become public lands of the United States, and under such restrictions as may be imposed by law, be subject to white settlement.

ARTICLE VI. Preferred rights of owners of improvements.

ARTICLE VI. It is further agreed that whenever any citizen of said Sac and Fox Nation shall have made and owns valuable improvements on any lands in said reservation, he or she shall have the preference over any other citizen of said Nation to take his or her allotments so as to embrace said improvements, provided they shall be limited as herein-before provided as to boundaries and area.

ARTICLE VII. Limitation of beneficiaries.

ARTICLE VII. It is further agreed that the beneficiaries of this agreement shall be limited to those persons whose names are now on the roll as Sacs and Foxes at the said Sac and Fox Agency; and those that may be born to them, and entitled by the laws and customs of said Sac and Fox Nation to go upon said roll before said allotments are made; and those that may be adopted into said Nation according to law by the National Council, before said allotments are made.

ARTICLE VIII. Operation.

ARTICLE VIII. This agreement shall be in force and have effect from and after its ratification by the National Council of the Sac and Fox Nation and the Congress of the United States.

In witness whereof the said David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, have hereunto set their hands the day and year aforesaid, and the principal Chief and the First Assistant Principal Chief of the said Sac and Fox Nation have hereunto set their hand and the Seal of said Nation the day and year aforesaid.

And the Secretary of said Sac and Fox Nation now attests the same.

David H. Jerome.
Alfred M. Wilson.
[SEAL.] **Warren G. Sayre.**
Commissioners for United States.
Mah-ko-sah-toe, His x mark.
Principal Chief.
Moses Keokuk, His x mark.
First Ass't Prin. Chief.

Attestation.

Attest:
Walter Battice,
Secretary of Sac & Fox Nation.

Preamble.

And,

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the twentieth day of May eighteen hundred and ninety, conclude an agreement with the Iowa tribe of Indians residing on the Iowa Reservation, in the Territory of Oklahoma, formerly part of the Indian Territory, which said agreement is in words and figures as follows, to wit:

Articles of agreement with the Iowa tribe of Indians, Oklahoma Territory, May 20, 1890.

1895, c. 188, post, p. 566; 1902, c. 888, post, p. 755.

"Articles of agreement made and entered into on the twentieth day of May, in the year of our Lord, eighteen hundred and ninety, at the Iowa Village in what is known as the Iowa Reservation, in the Indian Territory, by David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, appointed for the purpose, and the Iowa tribe of Indians residing on said Reservation.

Article I.

Article I.

Relinquishment, etc., to the United States of lands in Indian Territory by the Iowa tribe of Indians.

The said Iowa Tribe of Indians, residing and having their homes thereon, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim and interest in and to and over the following described tract of country in the Indian Territory, namely:

Description.

Beginning at the point where the Deep Fork of the Canadian River intersects the west boundary of the Sac and Fox Reservation; thence north along said west boundary to the south bank of the Cimarron River; thence up said Cimarron River to the Indian Meridian; thence south along said Indian Meridian to the Deep Fork of the Canadian River; thence down said Deep Fork to the place of beginning," set apart for the permanent use and occupation of the Iowa and such other Indians as the Secretary of the Interior may see fit to locate thereon, by Executive Order made and dated the fifteenth day of August, in the year of our Lord eighteen hundred and eighty-three.

Article II.

Article II.

Land to be allotted in severalty to every Indian of the Iowa tribe.

Each and every member of said Iowa Tribe of Indians shall be entitled to select and locate upon said Reservation or tract of Country eighty acres of land which shall be allotted to such Indians in severalty. No other restriction as to locality shall be placed upon such selections than that they shall be so located as to conform to the Congressional survey or subdivision of said tract of country, and any Indian having improvements may have the preference over any other Indian in and to the tract of land containing such improvements so far as they are within a legal subdivision not exceeding in area the quantity of land that he is entitled to select and locate.

Location.

Preferred rights of owners of improvements.

Selection of allotments.

Each member of said tribe of Indians over the age of eighteen years, shall select his or her land, and the father, or if he be dead the mother, shall select the land herein provided for, for each of his or her children who may be under the age of eighteen years, and if both father and mother of a child under eighteen years of age shall be dead, then the nearest of kin, over eighteen years of age and an Iowa Indian, shall select and locate his or her land—or if such person shall be without kindred as aforesaid, then the Commissioner of Indian Affairs, or some one by him authorized, shall select and locate the land of such child.

Article III.

ARTICLE III.

Special allotment agents to be appointed.

Notice of procedure, etc.

Failure to select.

That the allotments provided for in this Act shall be made at the cost of the United States by special agents appointed by the President for such purpose, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and within sixty days after such special agent or agents shall appear upon said reservation and give notice to the acting and recognized chief of said Iowa Tribe of Indians, that he is ready to make such allotments; and if any one entitled to an allotment hereunder shall fail to make his or her selection within said period of sixty days, then such special agent shall proceed at once to make such selection for such person or persons—which shall have the same effect as if made by the person so entitled; and when all of said allotments are made and approved, then the residue of said reservation, except as hereinafter stated, shall, as far as said Iowa Indians are concerned, become public land of the United States.

ARTICLE IV.

ARTICLE IV.

Patents of allotment.

In trust.

In fee.

Upon the approval of the allotments provided for herein by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his or her decease, of his or her heirs or devisees according to the laws of the state or territory where such land is located, and that at the expiration of said period, the United States will convey the same by patent to said Indian or his heirs or devisees as aforesaid in fee, discharged of said trust and free of all incumbrance whatsoever.

Prior conveyances, etc., void.

And if any conveyance shall be made of the lands set apart and allotted, as herein provided, or any contract made touching the same, before the expiration of the time above mentioned such conveyance or contract shall be absolutely null and void.

Allotments, etc., nontaxable, etc., for certain period.

And during said period of twenty-five years said lands, so allotted and the improvements thereon shall not be subject to taxation for any purpose by any State or Territory or any municipal subdivision thereof nor subject to be seized upon any execution or other mesne or final process issued out of any court of any State or Territory, and shall never be subject to be seized or sold upon any execution or other mesne or final process issued out of any court of any State or Territory upon any judgment rendered upon any debt or liability incurred, the consideration of which, immediate or remote passed prior to the expiration of said period of twenty-five years. And the law of descent and partition in force in the State or Territory where such lands are situated shall apply thereto.

ARTICLE V.

ARTICLE V.

Church, school house, and graveyard lands excepted from allotment, etc.

There shall be excepted from the operation of this agreement a tract of land, not exceeding ten acres in a square form, including the church and school house and grave-yard at or near the Iowa village, and ten acres of land shall belong to said Iowa tribe of Indians in common so long as they shall use the same for religious, educational, and burial purposes for their said Tribe—but whenever they shall cease to use the same for such purposes for their Tribe, said tract of land shall belong to the United States.

ARTICLE VI.

ARTICLE VI.

Expenditure for houses, animals, seeds, etc. after allotment.

When all the allotments are made as aforesaid, the United States, under the direction of the Commissioner of Indian Affairs will expend for said Iowa tribe of Indians described herein as beneficiaries of this agreement for improving their said land, for building houses, providing for said Indians breeding animals, agriculture implements, and seeds, the sum of Twenty-four thousand dollars—*provided*, that said sum shall be paid out as nearly equally per capita as may be, the father, or, if he be dead, the mother, to act for their children under the age of eighteen years—and the Commissioner of Indian Affairs in his own discretion to act for orphan children under the age of eighteen years.

Proviso.

Per capita distribution.

ARTICLE VII.

ARTICLE VII.

Additional consideration to Iowa Indians.

As a further and only additional consideration for such surrender and relinquishment of title, claim right and interest, as aforesaid, the United States will pay to said Iowa Indians, the beneficiaries of this agreement, per capita, Three Thousand and Six Hundred Dollars per annum, payable semi-annually, for the first five years after this agreement shall take effect; Three Thousand Dollars per annum payable semi-annually, for the second five years after this agreement shall take effect; Two thousand and Four Hundred Dollars per annum, payable semi-annually for the third five years after this agreement shall take effect; One Thousand Eight Hundred Dollars per annum payable semi-annually, for the fourth five years after this agreement shall take effect, and One Thousand Two Hundred Dollars per annum, payable semi-annually, for the fifth five years after the agreement shall take effect. In all such payments each person over the age of eighteen years shall receive and receipt for his or her share, and the father, or, if he be dead, the mother, of any person entitled, who is under the age of eighteen years, shall receive and receipt for his or her share; and when both father and mother of such person be dead, the person, if an Iowa Indian, with whom such person makes his home, shall receive and receipt for such persons shares; otherwise, it shall be paid to the Indian Agent of the said Iowa Indians for the use of such orphan.

Annuities.

First five years.

Second five years.

Third five years.

Fourth five years.

Fifth five years.

Receipts.

ARTICLE VIII.

ARTICLE VIII.

All other existing rights, etc., of Iowa, reserved.

It is hereby expressly agreed and understood that nothing herein contained shall in any manner affect any other claim not mentioned herein that said Iowa Tribe of Indians have against the United States; nor shall this agreement in any manner affect any interest that said tribe or its members may have in any reservation of land outside of the Indian Territory, nor shall this agreement in any manner affect any annuities or payments, principal or interest due, to said tribe or its members by existing laws or treaties with the United States.

Article IX.

Article IX.

Chief William Tohee and Maggie, his wife.

William Tohee, the chief of the Iowas, is incurably blind and helpless, and has a wife, Maggie Tohee, an Iowa Woman, but by whom William has no child. William is not only helpless but requires and receives the constant care and attention of Maggie, so that neither can give attention to matters of business or labor, or devote their time or energy to procuring a living. Therefore it is mutually agreed in addition to the provisions hereinbefore made for the Iowas, including said William and Maggie, that the United States will pay out to or for the use of said William, under the direction of the Commissioner of Indian Affairs, the sum of Three Hundred and Fifty Dollars. Because of the relation between the said William and Maggie and the care that he requires of her, and that she bestows upon him, it is agreed that the patents to them creating the trust in the United States for them for the period of twenty-five years, shall further recite and provide that in event of the death of either said William or Maggie during said period of twenty-five years—then the possession and use of the lands allotted to both shall be in the survivor and patents for the land allotted to both shall issue to the survivor, discharged of the said trust at the expiration of the said twenty-five years, provided said parties shall be living together as man and wife until the death of either.

Additional provisions.

Article X.

Article X.

Operation.

This agreement shall be in force from and after its approval by the Congress of the United States.

In witness whereof, we have hereunto set our hands and seals the day and the year first above written.

David H. Jerome,
A. M. Wilson,
Warren G. Sayre,
Commissioners on the part of the United States.

Jefferson White Cloud, his x mark; Kirwan Murray, Victor Dupee, Eliza Heelbolte, Eva White, William Tohee, chief, his x mark; Maggie Tohee, her x mark; Charles Tohee, Emma Tohee, David Tohee, Garrie Squirrel, Susan Squirrel, her x mark; Abrockanie, his x mark; Mary White Cloud, her x mark; Nellie Green, her x mark; Albert Ely, his x mark; Julia Ely, her x mark; Naw-a-tawmy, her x mark; Moses, his x mark; Lucinda R. Moses, her x mark; Willie Dole; Tom Dorian, his x mark; Catharin Dorian, her x mark; Mary Squirrel, her x mark; Widow Tohee, her x mark; Mary Tohee, her x mark; Ellen White Cloud, her x mark; Mary Murray, her x mark; Kis-tom-ie, her x mark; Big Ear, his x mark; Theresa Big Ear, her x mark; Julia Washington, her x mark; Anna Rubedeau, her x mark; Josie Dole, her x mark.

Supplemental Articles.

SUPPLEMENTAL ARTICLES.

Article XI.

Article XI.

The President may extend the trust period for allotments of Iowa.

It is now further agreed by the Commission, on the part of the United States, at the special instance and request of Chief Tohee, that if the Iowas at the expiration of said term of twenty-five years, during which the United States shall hold the allotments in trust for them shall represent to the President that they desire said trust continued, then the President may, in his discretion, extend said period, during which said lands are so held in trust for any period not exceeding five years.

Limit of extension.

ARTICLE XII.

Article XII.

An additional 10 acre square may be held in common, etc.

It is further agreed that when said allotments are being made, the Chief of the Iowas may select an additional ten acres in a square form for the use of said tribe in said reservation, conforming in boundaries to the legal subdivisions of land therein, which shall be held by said tribe in common but when abandoned by said tribe shall become the property of the United States.

David H. Jerome,
A. M. Wilson,
Warren G. Sayre,
Commissioners.

Certification.

I, Kirwan Murray, do hereby certify that I am the official interpreter chosen by the Iowa tribe of Indians; that I am a member of said tribe; that I interpreted to said Indians the nature and terms and words of the contract to which this is appended, made and entered into by and between David H. Jerome, Alfred W. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Iowa Indians, residing on their reservation, in the Indian Territory, at the Iowa Village, on the twentieth day of May, in the year of our Lord eighteen hundred and ninety; that said contract was by me fully explained to said Indians and they made to understand the same before it was signed by them; and I further certify that I was personally present when each and every person's name was signed thereto, and witnessed the same and that those whose signatures appear to said contract appended the same thereto understandingly, and where signed by mark or otherwise I attest same.

Given under my hand at the Iowa Village this May twenty-eighth, eighteen hundred and ninety.

Kirwan Murray.

Therefore,

Ratification, etc., of agreements with Sauk and Foxes, and Iowa, of Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreements be, and the same are hereby, accepted, ratified, and confirmed.

Appropriations for carrying out agreement with Sauk and Fox Nation.
Special agents for allotment, etc.
Pay, etc.
Resurveys.

Sec. 2. That for the purpose of making the allotments provided for in the said agreement, with the Sac and Fox Nation of Indians including the pay and expenses of the necessary special agents, not exceeding three in number, hereby authorized to be appointed by the President for the purpose, and the necessary resurveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of six thousand dollars, or so much thereof as may be necessary.

Compensation.
Retained in Treasury.
Interest.
Application of remainder.

Sec. 3. That for the purpose of making the compensation provided for in said agreement the sum of four hundred and eighty-five thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, of which the sum of three hundred thousand dollars shall be retained in the Treasury of the United States, to the credit of the said Sac and Fox Nation, and bear interest at the rate of five per centum per annum, which shall become due and payable on the first day of March in each year, and the remainder shall be disbursed or applied as provided in said agreement.

Allotments to Iowa.
Special agents, etc.
Pay, etc.

Sec. 4. That for the purpose of making the allotments provided for in said agreement with the Iowa tribe of Indians, including the pay and expenses of special agents appointed by the President for the purpose, and the necessary surveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary.

Appropriations for Iowa.

SEC. 5. That for the purpose of carrying out the terms and provisions of articles six, seven, and nine of said agreement with the Iowa tribe of Indians there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to wit:

For animals, seeds, etc.

For this amount, to be expended under the direction of the Commissioner of Indian Affairs, for said Iowa tribe of Indians as provided in article six of said agreement, twenty-four thousand dollars.

For annuities.

For the payment of the first five annual installments, first series, payable semi-annually as provided in article seven, three thousand six hundred dollars.

For Chief William Tohee.

For this amount, to enable the Commissioner of Indian Affairs to carry out the provision of article nine, for the benefit of William Tohee, chief of the Iowas, three hundred and fifty dollars.

Determination of descent.

SEC. 6. That for the purpose of determining the descent of land to the heirs of any deceased Indian, under the provisions of article four of said agreement with the Iowa tribe of Indians or under any law or treaty authorizing the issuance of a patent to an Indian or his heirs, according to the laws of the State or Territory where such land is located, whenever any man and woman, either of whom is in whole or in part of Indian blood, shall have cohabited together as husband and wife according to the custom and manner of Indian life, the issue of such cohabitation shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of persons so living together, and every child of Indian blood, in whole or in part, otherwise illegitimate shall for such purpose be taken and deemed to be the legitimate issue of the father of such child.

Opened lands for actual settlers only, under homestead laws.

Proclamation, post, p. 960.

R. S., sec. 2301, p. 421, excepted.

Proviso.

SEC. 7. That whenever any of the lands acquired by the agreements in this act ratified and confirmed, shall by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead laws, except section twenty-three hundred and one, which shall not apply: *Provided*, however, that each settler, under and in accordance with the provisions of said homestead laws, shall, before receiving a patent for his homestead, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents for each acre thereof, and such person, having complied with all the laws relating to such homestead settlement, may at his option receive a patent therefor at the expiration of twelve months from date of settlement upon said homestead and any person otherwise qualified who has attempted to but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon any of said lands.

Pre-payment of additional price by settler.

Issue of patent.

Certain persons failing under existing law, may enter homestead under this.

Sauk and Fox Indians in Iowa.

Appropriation to pay all claims.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars to be paid to the Sac and Fox band of Indians now resident in Iowa, in full of all claims of every name and nature which said Indians now have upon the property included in the foregoing agreement of the Sac and Fox Indians in the Indian Territory or upon the United States, for the moneys arising therefrom, said sum to be paid to said Sac and Fox Indians of Iowa by the Secretary of the Interior, per capita, or in such other manner as said Indians shall direct, upon the execution by them, to his satisfaction, of a release as herein required.

Per capita payment.

Release.

Approved, February 13, 1891.

Feb. 16, 1891.

26 Stat., 764.

CHAP. 240.—An act for the construction and completion of suitable school buildings for Indian industrial schools in Wisconsin and other States.

Establishment of Indian schools in Wisconsin, Michigan, and Minnesota.

Cost for each school.

Proviso. Limitation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to cause one Indian industrial or training school to be established in each of the States of Wisconsin, Michigan, and Minnesota, at a cost not exceeding thirty thousand dollars for each school, said schools to be as near as practicable moulded on the plan of the Indian school at Carlisle, Pennsylvania: *Provided, however*, That no such school shall be established on any Indian reservation whereon Indians are located under an agent.

Secretary of Interior may select, etc., land for schools.

Limit.

Withdrawal from entry, etc.

Condemnation, etc. if necessary.

Buildings, etc.

Proviso. Sites.

SEC. 2. That the Secretary of the Interior may select any part or portion of the non-mineral public domain of the United States in either of said States, which he may deem necessary and suitable, not exceeding six hundred and forty acres, and may, by appropriate order in that behalf made and recorded in the General Land Office, perpetually withdraw such land from sale and entry and dedicate the same to use as a site for such industrial or training school; and if such portion of the public domain is not found available or suitably located, then the Secretary of the Interior may secure title by purchase, condemnation, or otherwise of a tract of land not less than two hundred acres for each of said schools, and upon the site thus selected, acquired, or purchased the Secretary of the Interior shall cause to be erected such buildings and improvements as may in his judgment be best adapted to the purpose in view: *Provided*, That the site for said buildings in the various States shall be as follows:

In Minnesota.

In Minnesota, on the Pipestone Reservation;

In Michigan.

In Michigan, in the county of Isabella;

In Wisconsin.

In Wisconsin, near some railroad from which all the reservations may be conveniently reached.

Appropriation.

Purposes, etc.

SEC. 3. That the sum of seventy-five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of the Interior for the purchase of necessary ground and the erection thereon of buildings, and for such other purposes as he may deem proper in the execution of the provisions of this act, to establish in each of such States a school for the industrial and general education of Indian youth, and at the places in said States herein designated or which may hereafter be designated by the Secretary of the Interior in conformity with the provisions of this act.

Approved, February 16, 1891.

Feb. 21, 1891.

26 Stat., 765.

CHAP. 249.—An act to amend act authorizing Choctaw Coal and Railway Company to construct road through Indian Territory.

Right of way.
Choctaw Coal and Railway Company through Indian Territory.
Extension of time for construction, etc., of railway.
1888, ch. 13, ante, p. 256.
1889, ch. 152, ante, p. 810.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act approved February eighteenth, eighteen hundred and eighty-eight, authorizing the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, shall be extended for a period of two years, from February eighteenth, eighteen hundred and ninety-two, so that said company shall have until February eighteenth, eighteen hundred and ninety-four, to build its railway, under the provisions of said act and the act amendatory thereof, approved February thirteenth, eighteen hundred and eighty-nine.

Approved, February 21, 1891.

Feb. 24, 1891.

26 Stat., 783.

CHAP. 288.—An act to authorize the Kansas and Arkansas Valley Railway to construct and operate additional lines of railway through the Indian Territory, and for other purposes.

Kansas and Arkansas Valley Railway may construct, etc., additional lines of railway, etc., through the Indian Territory, etc.

1894, ch. 94, post, p. 511.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas and Arkansas Valley Railway, a corporation created under and by virtue of the laws of the State of Arkansas, having been heretofore by act of Congress, approved June first, anno Domini eighteen hundred and eighty-six, authorized and empowered to construct and operate a line of railway from the eastern boundary line of said Territory at or near Fort Smith to the northern boundary line of said Territory, with the right to construct and operate a branch line through said Territory to Coffeyville, in the State of Kansas, be, and the said Kansas and Arkansas Valley Railway is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining, in addition to the lines in said hereinbefore-recited act specified, the following lines of railway through the Indian Territory, together with a telegraph and telephone line, namely: A line beginning at the most suitable point on the present main line of said railway at or near Wagoner, in the Indian Territory, and thence running in a westerly and northwesterly direction by the most feasible and practicable route, passing through or near the town of Guthrie, in the Oklahoma country, and through or near Fort Supply military reservation to a point on the western boundary line of the Indian Territory. Also an additional or branch line, running from the most suitable point on the line last above described, in a southwesterly direction, and passing through or near Oklahoma City, and through or near Fort Reno military reservation, to a point on the western boundary line of the Indian Territory south of the point where the Canadian River crosses said boundary line; also a line commencing at the most practicable point on the main line at or near Fort Gibson, and running thence in a southwesterly direction through the Cherokee, Creek, Choctaw, and Chickasaw countries, either or all of them, to a point on the southern boundary line of the Indian Territory, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to its interest to construct along and upon the right of way and depot grounds herein provided for.

Location of one additional railway line, etc.

Of another.

Of another.

Sidings, etc.

Right of way.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory for said additional lines, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to the right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided, further* That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Stations.

Provisos.
Limitation.
Lands not to be leased or sold by company.

Reversion.

Damages.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed full compensation shall be made to such occu-

Appraisement.

Appointment of referees.

Oath.

Substitution on failure to appoint.

Hearings.

Compensation of referees.

Witnesses' fees.

Costs, etc., a part of award.

Appeal to district court at Fort Smith, Ark.

Costs.

Upon deposit of double award construction may proceed.

pants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the district judge of the court held at Fort Smith, Arkansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the findings of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, which court shall have jurisdiction to hear and determine the subject matter of said petition according to the laws of the said State provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight rates.

Provisos.

Passenger rates.

Regulation of charges.

Limitation.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, Mail rate, etc.

local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation and also shall carry the property and troops of the United States at such rates as Congress may provide.

Additional compensation to tribes.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said lines may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Proviso.
General council may appeal to Secretary of Interior as to allowance.

Award to be in lieu of compensation.

Annual rental.

Right of taxation reserved.

Survey and location of railway.

Maps to be filed with Secretary of Interior and chiefs.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Proviso.

Grading to commence within six months of filing map, etc.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Jurisdiction of circuit and district courts for western district of Arkansas, etc., in controversies.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas and Arkansas Valley Railway and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

At least 100 miles to be built within three years or rights forfeited.

SEC. 9. That said railway company shall build at least one hundred miles of its said additional lines of railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That the said Kansas and Arkansas Valley Railway shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Violation, etc.

Record of mortgages, etc.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

Not assignable before completion except for aid in construction.

SEC. 13. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, February 24, 1891.

Mar. 3, 1891.
26 Stat., 844.

CHAP. 535.—An act to authorize the Fort Gibson, Tahlequah and Great Northeastern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Fort Gibson, Tahlequah and Great Northeastern Railway Company may build railway, etc., line in Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Gibson, Tahlequah and Great Northeastern Railway Company, a corporation created under and by virture of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory,

Location.

beginning at the town of Rogers, in Benton County, Arkansas, and running thence in a westerly direction by way of Bentonville, Benton County, Arkansas, to the eastern boundary of the Cherokee Nation, Indian Territory, at or near mile post twenty-two; thence by way of Tahlequah, Cherokee Nation, to Fort Gibson, in said Territory, with the right to construct and maintain such tracks, turnouts, and sidings as said company may deem it to its interests to construct along and upon said right of way and depot grounds herein provided for.

Width.
Stations.
Cuts, etc.
Provisos.
Limitation.
Lands not to be sold, etc.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory for said line of its railway, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided, further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.
Appraisement. Referees.
Oath.
Substitution on failure to appoint.
Hearings.
Compensation.
Witnesses' fees.
Costs.
Award.
Appeal.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, custom, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior, within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Muscogee, Indian Territory, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Muscogee, Indian Territory, which court shall have jurisdiction to hear and determine the subject matter of said petition, according to the laws of the said State provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Costs on appeal.

Work may proceed on depositing double award.

Freight charges.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation, and said railway company shall transport troops and property of the United States free of charge.

Provisos.

Passenger rates.

Regulation.

Maximum.

Mails.

Additional compensation to tribes.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section six of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to

Provisos.

Appeal by general councils.

Award to be in lieu of compensation.

Annual rental.

Taxation.

the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force, among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed.

Proviso.

Grading to begin on filing maps.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company, necessary to the construction and management of said road, shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between Fort Gibson, Tahlequah and Great Northeastern Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and completion.

Crossings.

SEC. 9. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That the said Fort Gibson, Tahlequah and Great Northeastern Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, or assist in any effort looking towards the exchanging or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any

Proviso.
Violation to forfeit.

further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

Right not assignable except in aid of construction.

SEC. 13. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, March 3, 1891.

Mar. 3, 1891.

26 Stat., 989.

CHAP. 543.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department for the year ending June thirtieth, eighteen hundred and ninety-two, and fulfilling treaty stipulations with the various Indian tribes, namely:

* * * * * * *

[26 Stat., 999.]
Wea, Peoria, Kaskaskia, and Piankeshaw.
Payment of money held in trust.
Provisos.
Settlement of pending claims.
Ante, p. 346.
Disposal of bonds.

That the Secretary of the Interior pay to the Confederated Tribes of Wea, Peoria, Kaskaskia, and Piankeshaw Indians, per capita, all moneys now held in trust for them by the United States, and all interest due thereon to date of payment: *Provided*, That before such per capita payments shall be made the suit now pending in the Court of Claims against said tribe by the Citizen, Wea, Peoria, Kankaskia and Piankeshaw Indians, under authority of the act of March second, eighteen hundred and eighty-nine, shall be settled out of said funds in accordance with final judgment or decree, or compromise judgment or decree, that may be rendered in said suit: *And provided further*, That any bonds in which any of the funds of said confederated tribes are now invested, and which are held by the United States in trust, shall, upon the approval of this act, become the property of the United States.

Mining leases declared valid.
Proviso.
Removal of improper persons.

And leases made by the members of the said Confederated tribes of Indians of mineral lands, for mining purposes, since the selection of their undivided allotments and subsequent to their becoming citizens of the United States, are declared to be valid for a period not to exceed twenty-five years; *Provided* that any lessee or person occupying lands under any lease may be removed therefrom and from the Indian Territory by the Secretary of the Interior, if in the judgment of the Secretary he is an improper person to reside or remain in such Territory.

* * * * * * *

[26 Stat., 1010.]
Miami Town Company.
Sale of Ottawa's lands to.
See note to 1873, c. 319, ante, p. 148.

That the Secretary of the Interior be, and is hereby, authorized in his discretion to sell to the Miami Town Company, a corporation created under the laws of the State of Kansas, for and on behalf of the Ottawa tribe of Indians, the north half of the southeast quarter of section twenty-five township twenty-eight north, range twenty-two east; also the southeast quarter of the southeast quarter of said section; also lots five, six, seven, eight, nine, and ten in said section; also the northeast quarter of the southwest quarter of section thirty, township twenty-eight north, range twenty-three east; also lots eight, nine, ten, and eleven, in said section; also lots one, two, and three, in said section thirty-one township twenty-eight north, range twenty-three east; also lots one, two, and three, in section thirty-six, township twenty-eight north, range twenty-two east, situated in the Indian Territory, and containing five hundred and fifty-seven and ninety-five one-hundredths acres, more or less.

Price.
Proceeds.

That said lands shall be sold to said company at not less than ten dollars per acre, and the proceeds of such sale shall be paid over under the direction of the Secretary of the Interior, to the Ottawa Indians per capita, as per request of said Indians now on file in the Department of the Interior.

Plat, etc.

That the said Miami Town Company shall, within ninety days from the approval of this act, file in the General Land Office a plat of said land, showing the same to have been surveyed and divided into lots, blocks, streets, and alleys; and immediately upon filing of said map, and the payment of the said sum of ten dollars per acre, the Secretary of the Interior shall cause a patent to be issued to said company for the several tracts herein described.

* * * * * * *

Potawatomi.
23 Stat., 372, amended.
See note to 1878, c. 200, ante, p. 175.

That the last clause of the subdivision entitled "Pottawatomies" in the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling the treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," being chapter three hundred and forty one, of volume twenty-three, of the Statutes at Large, be amended to read as follows:

Claims of individual members referred to Court of Claims.
Vol. 2, p. 970.

That the claims of certain individual members of the Pottawatomie Nation of Indians, their heirs or legal representatives, for depredations committed by others upon their stock, timber, or other property reported to Congress under the tenth article of the treaty of August seventh, eighteen hundred and sixty-eight, be, and the same are hereby, referred to the Court of Claims for adjudication. And said court shall, in determining said cause, ascertain the amounts due and to whom due by reason of actual damage sustained.

Papers, etc., to be delivered to court.

"And all papers, reports, evidences, records, and proceedings relating in anyway to said claims now on file or of record in the Department of the Interior, or any other Department or on file or of record in the office of the Secretary of the Senate, or the office of the Clerk of the House of Representatives, shall be delivered to said court, and in considering the merits of the claims presented to the court all testimony and reports of special agents or other officers and other papers now on file or of record in the Departments or Congress, shall be considered by the court, and such value awarded thereto as in its judgment is right and proper.

* * * * * * *

Fort Hall Reservation.
Ditch, right of way through.
Ante, p. 294.

That the Secretary of the Interior is authorized to grant rights of way into and across the Fort Hall Reservation in Idaho to canal, ditch, or reservoir companies for the purpose of enabling the citizens of Pocatello to thereby receive the water supply, contemplated by section ten (10) of an act to accept and ratify an agreement made with the Shoshone and Bannock Indians, and for other purposes, being chapter nine hundred and thirty-six, laws of eighteen hundred and eighty-eight, and may also attach conditions as to the supply of surplus water to Indians on said Fort Hall Reservation as may be reasonable and prescribe rules and regulations for the same.

* * * * * * *

[26 Stat., 1016.]
Agreement with Citizen Band, Potawatomi Indians, Oklahoma, ratified.
See note to 1878, c. 200, ante, p. 175.

SEC. 8. The following agreement, made by David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, with the Citizen Band of Pottawatomie Indians in Oklahoma on the twenty-fifth day of June, eighteen hundred and ninety, and now on file in the Department of the Interior, and signed by said commissioners on behalf of the United States, and by Alexander P. Peltier, Joseph Moose, Stephen Neg-a-hu-quit, John B. Hambago and Alexander Rhodd, Business Committee, and John L. Young and others, on behalf of the said Citizen Band of Pottawatomie Indians, is hereby accepted, ratified and confirmed, to wit:

"Articles of agreement made and entered into at Shawnee Town, in the Indian Territory, on the twenty-fifth day of June, eighteen hundred and ninety, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Citizen Band of Pottawatomie Indians, in the Indian Territory.

ARTICLE I.

ARTICLE I.

Lands ceded.

The Citizen Band of Pottawatomie Indians of the Indian Territory, in consideration of the fulfillment of the promises hereinafter made, hereby cede, relinquish, and forever and absolutely surrender to the United States all their claim, title and interest of every kind and character in and to the following described tract of country in the Indian Territory—according to Morrill's survey, under contract of September third, eighteen hundred and seventy-two—to wit: Beginning at a point on the right bank of the north fork of the Canadian River, in section twenty-one, of township eleven north, range five east, where the western boundary line of the Seminole Reservation strikes said river; thence south with said boundary line to the left bank of the Canadian River; thence up said river along the left bank thereof, to a point on said left bank, in the northeast quarter of section thirty-six, township six north, range one west, thirty-nine chains and eighty-two links (by the meanders of the river west), from the point where the Indian meridian intersects said river, or thirty-eight chains and fifty-two links due west from said Indian meridian; thence north as run by O. T. Morrill, under his contract of September third, eighteen hundred and seventy-two, to a point on the right bank of the north fork of the Canadian River; thence down said river, along the right bank thereof, to the place of beginning, comprising the following, viz:

Description.

Fractional township five north, ranges one, two, three, four, and five east, north of the Canadian river. Fractional township six north, ranges one, three, four, and five east, north of the Canadian River. Township six north, range two east.

Townships seven, eight, and nine, ranges one, two, three, and four east. Fractional townships seven, eight, and nine north, range five east.

Townships ten and eleven north, range one east. Fractional township ten north, ranges two, three, and four east, south of the north fork of the Canadian River. Fractional township ten north, range five east. Fractional township eleven north, ranges two, three, four, and five east, south of the north fork of the Canadian River. Fractional township twelve north, ranges one and two east, south of North Fork of the Canadian River.

Also that portion of sections one, twelve, thirteen, twenty-four, and twenty-five, and section thirty-six, north of the Canadian River in township six north, range one west, lying east of the western boundary line of the said Pottawatomie Reservation as shown by the Morrill survey, and that portions of sections one, twelve, thirteen, twenty-four, twenty-five, and thirty-six, in townships seven, eight, nine, ten, and eleven north, range one west, lying east of the western boundary line aforesaid, and that portion of sections one and twelve south of the north fork of the Canadian River, and sections thirteen, twenty-four, twenty-five, and thirty-six, in township twelve north, range one west, lying east of the western boundary line aforesaid, containing an area of five hundred and seventy-five thousand eight hundred and seventy and forty-two one hundredths, acres of land.

ARTICLE II.

ARTICLE II.

Confirmation of allotments.

Ante p. 33.

Whereas certain allotments of land have been heretofore made, and are now being made to members of said Citizen Band of Pottawatomie Indians, according to instructions from the Department of the Interior at Washington, under the act of Congress entitled, "An act to provide for the allotment of lands, in severalty, to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, and according to said instructions other allotments are to be made, it is further agreed that all such allotments so made shall be confirmed—all in process of being made shall be completed and confirmed, and all to be made shall be made under the same rules and regulations, as to persons, location and area, as those heretofore made, and when made shall be confirmed. When said allotments shall be so confirmed, and approved by the Secretary of the Interior, the title in each allottee shall be evidenced and protected in every particular, in the same manner and to the extent provided for in the above-mentioned act of Congress: *Provided*, That in allotments to be hereafter made, no person shall have the right to select his or her allotment in section sixteen and thirty-six in any Congressional township—nor upon any land heretofore set apart in said tract of country for any use by the United States, or for school, school farm, or religious purposes—nor shall said sections sixteen and thirty-six be subject to homestead entry but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school farm or religious purposes, be subject to homestead entry—but shall be held by the United States for such purposes, so long as the United States shall see fit to use them: *And provided further*, That all such allotments shall be taken on or before February eighth, eighteen hundred and ninety-one, when any right to allotment, in any one, shall be deemed waived and forever cease to exist.

Provisos.

School sections, etc.

Limit.

Sacred Heart Mission.

And it is specially agreed that the south half of section seven and the north half of section eighteen in township six north, range five east, heretofore set apart by a written agreement between said Citizen Band of Pottawatomie Indians and certain Catholic Fathers, for religious, school, and farm purposes, shall not be subject to allotment or homestead entry, but shall be held by the United States for the Sacred Heart Mission, the name under which said association of Fathers are conducting the church, school, and farm on said land.

And in any lawful manner, to be provided by Congress, shall be conveyed to said Fathers for the uses above expressed.

ARTICLE III.

ARTICLE III.

Number of allottees.

It is further agreed that the number entitled to take and who shall take allotments, including those who have already taken allotments, is fourteen hundred.

But if it shall be ascertained that a greater number than fourteen hundred shall be entitled to and shall take allotments hereunder, then there shall be deducted from the sum hereinafter agreed, to be paid to said Pottawatomie Indians the sum of one dollar for each acre of land allotted to those in excess of said number.

ARTICLE IV.

ARTICLE IV.

Payments to tribe for lands relinquished.

See post, p. 437

It is further agreed, as a further and only additional consideration for such relinquishment of all title, claim, and interest of every kind and character in [an] *and* to said lands, that the United States will pay to said Citizen Band of Pottawatomie Indians, in said tract of country, within four months after this agreement shall have been ratified by Congress, the sum of one hundred and sixty thousand dollars for making homes and other improvements on the said allotments. And if it shall be ascertained that said Citizen Band of Pottawatomie Indians did purchase and pay the United States for the tract of country above described in accordance with the provisions of a treaty between the United States and said Citizen Band of Pottawatomie Indians, proclaimed August seven, eighteen hundred and sixty-eight, and that the United States did retain and yet retains and shall continue to retain of said Indians' funds the sum of one hundred and nineteen thousand seven hundred and ninety dollars and seventy-five cents on account of such purchase, then the United States agrees to pay to said Citizen Band of Pottawatomie Indians the additional sum of one hundred and nineteen thousand seven hundred and ninety dollars and seventy-five cents.

Repayment for lands purchased.

All payments of money herein provided for shall be made per capita to said Indians.

Per capita payments.

ARTICLE V.

ARTICLE V.

This agreement shall have effect after it shall have been ratified by the Congress of the United States.

Effect.

In witness whereof, the day and year first above written, the said David H. Jerome, Alfred M. Wilson and Warren G. Sayre, have hereunto set their hands for and on behalf of the United States, and Alexander B. Peltier, Joseph Moose, John Anderson, Stephen Negahriquet, John B. Pambogo, Alexander Rhodd and Davis Hardin, the Business Committee of said Citizen Band of Pottawatomie Indians authorized by law and custom and by General Council now and here present and in session, so to do have hereunto set their hands and the adult male members of said Band present representing in their families the number set opposite their names, respectfully [*respectively*] have hereunto set their hands.

Signatures.

SEC. 9. The following agreement entered into on behalf of the United States with the Absentee Shawnee Indians, on the twenty-sixth day of June, eighteen hundred and ninety, and signed by said Commissioners on the part of the United States, and by White Turkey, Chief, and five others, on the part of said Absentee Shawnee Indians, is also hereby accepted, ratified and confirmed, to wit:

Agreement with Absentee Shawnee Indians ratified.

"Articles of agreement made and entered into at Shawnee Town in the Indian Territory, on the twenty-sixth day of June, eighteen hundred and ninety, by and between David H. Jerome, Warren G. Sayre and Alfred M. Wilson, Commissioners on the part of the United States and the Absentee Shawnees residing on what is commonly known as the Pottawatomie Reservation in the Indian Territory, represented by their Chiefs and head men or Counselors whose names are hereto subscribed.

ARTICLE I.

ARTICLE I.

The Absentee Shawnee Indians of the Indian Territory in consideration of the fulfillment of the promises hereinafter made, hereby cede, relinquish and surrender, forever and absolutely, to the United States, all their claim, title and interest of every kind and character in and to the following described tract of country in the Indian Territory, according to Morrill's survey, under contract of September

Lands ceded in Indian Territory.

Description.

third, eighteen hundred and seventy-two—to-wit: 'Beginning at a point on the right bank of the north fork of the Canadian River, in section twenty-one, of township eleven north, range five east, where the western boundary line of the Seminole Reservation strikes said river; thence south with said boundary line to the left bank of the Canadian River; thence up said river, along the left bank thereof, to a point on said left bank in the northeast quarter of section thirty-six, township six north, range one west, thirty-nine chains and eighty-two links (by the meanders of the river west) from the point where the Indian meridian intersects said river, or thirty-eight chains and fifty-two links due west from said Indian meridian; thence north as run by O. T. Morrill, under his contract of September third, eighteen hundred and seventy-two, to a point on the right bank of the north fork of the Canadian River; thence down said river, along the right bank thereof, to place of beginning, comprising the following, viz:

Fractional township five north, ranges one, two, three, four, and five east, north of Canadian River. Fractional township six north, ranges one, three, four, and five east, north of the Canadian River. Township six north, range two east.

Townships seven, eight, and nine, ranges one, two, three, and four east. Fractional townships seven, eight, and nine north, range five east.

Townships ten and eleven north, range one east. Fractional township ten north, ranges two, three and four east, south of the north fork of the Canadian River. Fractional township ten north, range five east. Fractional township eleven north, ranges two, three, four, and five east, south of the north fork of the Canadian River. Fractional township twelve north, ranges one and two east, south of the north fork of the Canadian River.

Also that portion of sections one, twelve, thirteen, twenty-four, and twenty-five, and section thirty-six, north of the Canadian River in township six north, range one west, lying east of the western boundary line of the said Pottawatomie Reservation as shown by the Morrill survey, and that portion of sections one, twelve, thirteen, twenty-four, twenty-five, and thirty-six, in townships seven, eight, nine, ten, and eleven north, range one west, lying east of the western boundary line aforesaid, and that portion of sections one and twelve south of the north fork of the Canadian River, and sections thirteen, twenty-four, twenty-five, and thirty-six in township twelve north, range one west, lying east of the western boundary line aforesaid containing an area of five hundred and seventy-five thousand eight hundred and seventy and forty-two one-hundredths acres of land.'

ARTICLE II.

ARTICLE II.

Confirmation of allotments.

Ante, p. 33.

Whereas certain allotments of land have been heretofore made, and are now being made to said Absentee Shawnees according to instructions from the Department of the Interior, at Washington, under Act of Congress entitled, 'An Act to provide for the allotment of lands, in severalty, to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians and for other purposes,' approved February 8, 1887, and according to said instructions other allotments are to be made, it is further agreed that all such allotments so made shall be confirmed—all in process of being made shall be completed and confirmed, and all to be made shall be made under the same rules and regulations, as to persons, locations and area, as those heretofore made, and when made shall be confirmed. When said allotments shall be so confirmed and approved by the Secretary of the Interior, the title in each allottee shall be evidenced and protected in every particular, in the same manner and to the extent provided for in the above-mentioned Act of Congress. *Provided*, that in all allotments to be hereafter made, no person shall have the right to select his or her allotment in sections sixteen (16) and thirty-six (36) in any Congressional township—nor upon any land heretofore set apart in said tract of country for any use by the United States, or for school, school farm or religious purposes—nor shall said sections sixteen (16) and thirty-six (36) be subject to homestead entry, but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school farm or religious purposes, be subject to homestead entry—but shall be held by the United States for such purposes, so long as the United States shall see fit to so use them; and *provided further*, that all such allotments shall be taken on or before January 1st, 1891, after which time and up to February 8, 1891, the alloting agent then on said reservation shall make allotments to those Absentee Shawnees resident in said tract of country, who have failed or refused to take their allotments as aforesaid, and such allotments so made by such alloting agent shall have the same force and effect as if the selections were made by the Indians in person. After said date of February 8th, 1891, any right to allotment hereunder or by Act of Congress, shall be deemed waived and forever cease to exist.

Provisos.

School sections, etc.

Limit for taking allotments.

ARTICLE III.

Article III.

Number of allottees.

It is further agreed that the number who are entitled to take allotments and who shall take allotments, including those who have already taken allotments, is six hundred and fifty (650). But if it shall be ascertained that a greater number than six hundred and fifty (650) shall be entitled to and shall take allotments hereunder, then there shall be deducted from the sum hereinafter agreed to be paid to said Absentee Shawnees, the sum of one (1) dollar for each acre of land allotted to those in excess of said number.

ARTICLE IV.

Article IV.

Payment to Indians for homes, etc.

It is further agreed, as a further and only additional consideration for such relinquishment of all title, claim and interest of every kind and character, in and to said lands, that the United States will pay to said Absentee Shawnees in said tract of country, as soon as may be after this agreement shall have been ratified by Congress, and under the direction of the Commissioner of Indian Affairs, the sum of sixty-five thousand ($65,000.00) dollars for making homes and other improvements on their said allotments. All payments of money herein provided for shall be made per capita to said Absentee Shawnees according to the list of all those to whom allotments shall be hereunder made, and the wives of allottees.

Per capita payments.

ARTICLE V.

Article V.

Effect.

This agreement shall have effect after it shall have been ratified by the Congress of the United States.

Signatures.

In witness whereof, the day and year first above written, the said David H. Jerome, Alfred M. Wilson and Warren G. Sayre have hereunto set their hands for and on behalf of the United States, and Chief White Turkey, Charley Starr, Elephant, Thomas Rock, William Little-axe and Jim Bullfrog, Head Men of the Absentee Shawnees and

Counselors of White Turkey, have hereunto set their hands on behalf of the Absentee Shawnee Indians.[a]

Compensation to Citizen Potawatomi and Absentee Shawnee.

SEC. 10. That for the purpose of making the compensation to the said Indians, provided in said respective agreements with the Citizens Band of Pottawatomie Indians and the Absentee Shawnee Indians the sum of two hundred and twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available.

Extension of time for selections by Citizen Potawatomi.

Proviso.
Limit.

SEC. 11. That any of said Citizen Pottawatomie Indians who have not yet selected allotments may make such selections anywhere within the thirty-mile square tract of land in said agreement described, not already selected or occupied in quantities as therein provided, *And provided further*, That such selections may be made at any time within thirty days after the approval of this act, and not thereafter.

Court of Claims to determine claim of Potawatomi for land purchase.
See note to 1878, c. 200, ante, p. 175.

Suit between Citizen and Prairie bands.

Style of suit, etc.

Records, etc

SEC. 12. That full jurisdiction is hereby conferred upon the Court of Claims, subject to an appeal to the Supreme Court of the United States as in other cases, to hear and determine the question as to whether or not the said Citizen Band of Pottawatomie Indians did purchase and pay the United States for the tract of country in said above agreement described in accordance with the provisions of a treaty between the United States and the Pottawatomie Indians of Kansas, and proclaimed August seventh, eighteen hundred and sixty-eight; and whether or not the United States did retain and yet retains the sum of one hundred and seventeen thousand seven hundred and ninety dollars and seventy-five cents on account of said purchase, or otherwise, and to hear and determine all questions between said Citizen Band of Pottawatomie Indians and the United States, or between said Citizen Indians and the Prairie band of Pottawatomie Indians in Kansas relative to the credits and accounts of said Indians under the various treaties with the United States. The exercise of such jurisdiction shall not be barred by any lapse of time heretofore, nor shall the rights of said Indians be in any way impaired by any ruling or determination upon such question heretofore made. Suit may be instituted in said Court of Claims at any time within twelve months after the approval of this act, but not later, on behalf of said Citizen Band, the style of such suit to be "The Citizen Band of Pottawatomie Indians of Oklahoma Territory against the United States," said suit to have preference upon the trial dockets of said Court. If it shall be found and determined that the said sum of one hundred and nineteen thousand seven hundred and ninety dollars and seventy-five cents, or any part thereof, or any sum, has been and is yet retained by the United States to which said Indians have a legal or equitable right or title, then the amount so found to be due shall be paid to said Citizen Band of Pottawatomie Indians out of any money in the Treasury not otherwise appropriated, less the fees for the services of the attorney or attorneys of said Citizen Band, in accordance with duly executed and approved contracts therefor, which amount shall be deducted and paid to said attorney or attorneys. That the Secretary of the Interior and the Secretary of the Treasury shall transmit to said Court of Claims, upon its request, certified copies of all records, documents, and papers that relate in any way to the accounts of said Indians under the various treaties with said tribe, and shall furnish such excerpts and statements and accounts regarding the same as may be called for during the progress of said suit and in said suits all claims against the United States on behalf of either of said bands of Indians, or on behalf of one band against the other shall be tried and determined and judgment rendered as shall be found just and right.

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[a] Prior legislation relative to the Absentee Shawnee is to be found in the joint resolution of April 7, 1869 (16 Stat., 53), explained and extended by the acts of January 11, 1875 (18 Stat., 295), and March 1, 1881 (21 Stat., 377). These acts relate to the disposal of the Absentee Shawnee lands in Kansas. The reservation in the Indian Territory was acquired under the act of May 23, 1872 (17 Stat., 159).

Subsequent legislation relative to these Indians is to be found in the acts of October 20, 1893 (post, p. 505), providing for the issuance of patents to settlers on the ceded lands; August 15, 1894 (post, p. 520), and May 31, 1900 (post, p. 701), providing for the sale of allotments, and the proclamation of September 18, 1891, opening the ceded land to public settlement.

Agreement with Cheyenne and Arapaho ratified.

See note to 1877, c. 72, ante, p 168.

SEC. 13. The following agreement entered into by the Commissioners named below on the part of the United States, and the Cheyenne and Arapahoe Tribes of Indians on the —— day of October, eighteen hundred and ninety, and now on file in the Interior Department, signed by the said Commissioners on the part of the United States, and by Left Hand, his mark, and five hundred and sixty-four others, on the part of the said Indians, is hereby accepted, ratified and confirmed, to wit:

"Articles of agreement made and entered into at Darlington, in the Indian Territory, on the —— day of October, A. D. eighteen hundred and ninety, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Cheyenne and Arapahoe tribes of Indians, in the Indian Territory.

Article I.

ARTICLE I.

Lands ceded absolutely.

"The said Cheyenne and Arapahoe tribes of Indians hereby cede, convey, transfer, relinquish, and surrender forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest of every kind and character, in and to the lands embraced in the following described tract of country in the Indian Territory, to-wit: A tract of country west of the ninety-sixth degree of west longitude, bounded by the Arkansas River on the east, the thirty-seventh parallel of north latitude (being the southern boundary line of the State of Kansas) on the north, and the Cimarron or Red Fork of the Arkansas River on the west and south.

Description.

Article II.

ARTICLE II.

Lands ceded subject to allotment.

"Subject to the allotment of land in severalty to the individual members of the Cheyenne and Arapahoe tribes of Indians, as hereinafter provided for and subject to the conditions hereinafter imposed, for the considerations hereinafter mentioned the said Cheyenne and Arapahoe Indians hereby cede, convey, transfer, relinquish, and surrender forever and absolutely, without any reservation whatever, express or implied, all their claim, title and interest, of every kind and character, in and to the lands embraced in the following described tract of country in the Indian Territory, to-wit:

Description.

Commencing at a point where the Washita River crosses the ninety-eighth degree of west longitude, as surveyed in the years eighteen hundred and fifty-eight and eighteen hundred and seventy-one; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River); thence up said river, in the middle of the main channel thereof, to the north boundary of the country ceded to the United States by the treaty of June fourteenth, eighteen hundred and sixty six, with the Creek nation of Indians; thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March twenty first, eighteen hundred and sixty six, with the Seminole Indians, to the one hundredth degree of west longitude; thence south on the line of said one hundredth degree to the point where it strikes the North Fork of the Red River; thence down said North Fork of the Red River to a point where it strikes the north line of the Kiowa and Comanche Reservation; thence east along said boundary to a point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning; and all other lands or tracts of country in the Indian Territory to which they have or may set up or allege any right, title, interest or claim whatsoever.

Article III.

Article III.

Selections in severalty by Indians.

Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article II hereof, and in part consideration for the cession of lands named in the preceding article, it is agreed by the United States that each member of the said Cheyenne and Arapahoe tribes of Indians over the age of eighteen years shall have the right to select for himself or herself one hundred and sixty acres of land, to be held and owned in severalty, to conform to legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribes of Indians, shall have a right to select a like amount of land for each of his or her children under the age of eighteen years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of eighteen years.

Article IV.

Article IV.

Classification of land.
Selections.

"It is further agreed that the land in said reservation shall be classed as bottom land and grazing land; and, in making selection of lands to be allotted in severalty as aforesaid, each and every Indian herein provided for shall be required to take at least one-half in area, of his or her allotments, of grazing land. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses, or in sections sixteen and thirty-six in each Congressional township, except in cases where any Cheyenne or Arapahoe Indian has heretofore made improvements upon and now uses and occupies a part of said sections sixteen and thirty-six such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements, or in that part thereof now occupied and claimed by the Wichita and affiliated bands of Indians described as follows, viz: Commencing at a point in the middle of the main channel of the Washita River, where the ninety-eighth meridian of west longitude crosses the same, thence up the middle of the main channel of the said river to the line of ninety-eight degrees forty minutes west longitude, thence up said line of ninety-eight degrees forty minutes due north to the middle of the main channel of the main Canadian River, thence down the middle of the main Canadian River to where it crosses the ninety-eighth meridian; thence due south to the place of beginning.

School, etc., sections.

Selections on lands now occupied.

"It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments so as to include his or her said improvements.

School, etc., sections.

"It is further agreed that sections sixteen and thirty-six in each Congressional township in said reservation shall not become subject to homestead entry, but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indian the land so occupied may be allotted and confirmed to such society or organization; not, however, to exceed one hundred and sixty acres of land to any one society or organization so long as the same shall be so occupied and used, and such land shall not be subject to homestead entry.

"ARTICLE V.

ARTICLE V.

Time for selections.

"All allotments hereunder shall be selected within ninety days from the ratificatian of this agreement by the Congress of the United States, provided the Secretary of the Interior, in his discretion, may extend the *the* time for making such selection, and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall, within the next thirty days after said time, make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

"ARTICLE VI.

ARTICLE VI.

Trust titles for allottees.

Ante, p. 33.

When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five years, in the manner and to the extent provided for in the act of Congress entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,' approved February eighth, eighteen hundred and eighty-seven; and at the expiration of said period of twenty-five years the titles thereto shall be conveyed in fee simple to the allottees, or their heirs, free from all incumbrances.

"ARTICLE VII.

ARTICLE VII.

Payment for lands ceded.

Distribution.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to lands as aforesaid the United States agrees to pay to the Cheyenne and Arapahoe tribes of Indians one million and five hundred thousand dollars as follows: Two hundred and fifty thousand dollars in cash, to be distributed per capita among the members of said tribes within sixty days after this agreement shall be ratified by the Congress of the United States; two hundred and fifty thousand to be paid out for said Indians under the direction of the Secretary of the Interior, and the remaining one million dollars to be retained in the Treasury of the United States placed to the credit of the said Indians, and, while so retained, to draw five per centum interest per annum, to be paid to said Indians per capita annually.

Annuities.

Nothing herein contained shall be held to affect in anyway any annuities due said Indians under existing laws, agreements, or treaties.

"ARTICLE VIII.

ARTICLE VIII.

Confirmation of allotments.

"It is further agreed that wherever in said reservation any member of either of said tribes has in pursuance of any laws or under any rules or regulations of the Interior Department, taken an allotment, such an allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement.

"ARTICLE IX.

ARTICLE IX.

Effect.

"This agreement shall have effect whenever it shall be ratified by the Congress of the United States.

"In witness whereof the said Commissioners on the part of the United States have hereunto set their hands, and the undersigned members of said tribes, for themselves and their tribes, set their hands the day and year first above written.

Signatures.

"DAVID H. JEROME,
"ALFRED M. WILSON,
"WARREN G. SAYRE,
"*Commissioners.*"

Left Hand, his x mark, and five hundred and sixty-four others.

Expenses of allotments.
2 Okla., 258.

SEC. 14. That for the purpose of making the allotments provided for in said agreement, including the pay and expenses of the necessary special agent or agents hereby authorized to be appointed by the President for the purpose, and the necessary resurveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary.

Amount placed to credit of Indians in trust.

SEC. 15. That for the purpose of carrying the provisions of foregoing agreement into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one million five hundred thousand dollars, of which amount the sum of one million dollars shall be placed in the Treasury to the credit of the Cheyenne and Arapahoe Indians, parties to the foregoing agreement, to bear interest at the rate of five per centum per annum, which interest shall be paid to them per capita annually; the balance of five hundred thousand dollars to be expended as provided for in article seven of said agreement, to be immediately available.

Payment to Choctaw and Chickasaw for interest in lands occupied by Cheyenne and Arapaho.
See note to 1898, ch. 517, post, p. 656.
Vol. 2, p. 919.
Division of payment.
Immediately available.
Indian title extinguished.

And the sum of two million nine hundred and ninety-one thousand four hundred and fifty dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw Nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in, and to certain lands now occupied by, the Cheyenne and Arapahoe Indians under executive order; said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapahoe Indians, said lands have been ceded in trust by article three of the treaty between the United States and said Choctaw and Chickasaw Nations of Indians, which was concluded April twenty-eighth, eighteen hundred and sixty-six, and proclaimed on the tenth day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain two million three hundred and ninety-three thousand one hundred and sixty acres: three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Chickasaw Nation to receive the same, at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation; this appropriation to be immediately available and to become operative upon the execution by the duly appointed delegates of said respective nations specially authorized thereto by law of releases and conveyances to the United States of all the right, title, interest, and claim of said respective nations of Indians in and to said land (not including Grier County, which is now in dispute), in manner and form satisfactory [the] *to* the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of every kind and character of said Choctaw and Chickasaw Nations of Indians in and to the tract of country to which said releases and conveyances shall apply.

Lands opened to homestead settlement only.

R. S., sec. 2301.

Proviso.

Additional payment.

Soldiers and sailors.

R. S., sec. 2304-2305, p. 422.

SEC. 16. That whenever any of the lands acquired by either of the three foregoing agreements respecting lands in the Indian or Oklahoma Territory shall by operation of law or proclamation of the President of the United States be open to settlement they shall be disposed of to actual settlers only, under the provisions of the homestead and town site laws (except section twenty-three hundred and one of the Revised Statess of the United States which shall not apply): *Provided, however*, That each settler, on said lands shall before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of one dollar and fifty cents per acre, one-half of which shall be paid within two years; But the rights of honorably discharged Union soldiers and sailors as defined and described in Sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States shall not be abridged except as to the sum to be paid as aforesaid, and all the lands in Oklahoma are hereby declared to be agricultural lands, and proof of their non-mineral character shall not be required as a condition precedent to final entry.

Division into counties.

Oklahoma lands.

Election.

County seats.
Provisos.

R. S., secs. 2387, 2388.

SEC. 17. That before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties which shall contain as near as possible not less than nine hundred square miles in each county. In establishing said county line the Secretary is hereby authorized to extend the lines of the counties already located so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county: *Provided, further*, That as soon as the county lines are designated by the Secretary, he shall reserve not to exceed one-half section of land in each county to be located near the center of said county, for county seat purposes to be entered under sections twenty-three hundred and eighty-seven and twenty-three and eighty-eight of the Revised Statutes: *Provided*, That in addition to the jurisdiction granted to the probate courts and the judges thereof in Oklahoma Territory by Legislative enactments which enactments are hereby ratified, the Probate Judges of said Territory are hereby granted such jurisdiction in town site matters and under such regulations as are provided by the laws of the State of Kansas.

Lease of school lands.

SEC. 18. That the school lands reserved in the Territory of Oklahoma by this and former acts of Congress may be leased for a period not exceeding three years for the benefit of the school fund of said Territory by the Governor thereof, under regulations to be prescribed by the Secretary of the Interior.

Agreement with Cœur d'Alene Indians ratified.

SEC. 19. The following agreement entered into on the part of the United States by John V. Wright, Jared W. Daniels and Henry W. Andrews, Commissioners with the Cœur d'Alene Indians in Idaho Territory signed on the part of said Indians by Chief Andrew Seltice, and others which bears date March twenty-sixth, eighteen hundred and eighty-seven, and now on file in the Interior Department, is hereby accepted, ratified, and confirmed and is in the following words, to-wit:

Agreement.

AGREEMENT WITH CŒUR D'ALENE.

Post, p. 446.

This agreement made pursuant to an item in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes," approved May fifteenth, eighteen hundred and eighty-six, by John V. Wright, Jared W. Daniels, and Henry W. Andrews, duly appointed commissioners on the part of the United States and the Cœur d'Alene tribe of Indians now residing on the Cœur d'Alene Reservation, in the Territory of Idaho, by their chiefs, headmen, and other male adults, whose names are hereunto subscribed, they being duly authorized to act in the premises, witnesseth:

ARTICLE 1.

ARTICLE 1.

Preamble.

Whereas said Cœur d'Alene Indians were formerly possessed of a large and valuable tract of land lying in the Territories of Washington, Idaho, and Montana, and whereas said Indians have never ceded the same to the United States, but the same, with the exception of the present Cœur d'Alene Reservation, is held by the United States and settlers and owners deriving title from the United States, and whereas said Indians have received no compensation for said land from the United States: Therefore,

ARTICLE 2.

ARTICLE 2.

Lands ceded.

For the consideration hereinafter stated the said Cœur d'Alene Indians hereby cede, grant, relinquish, and quitclaim to the United States all right, title, and claim which they now have, or ever had, to all lands in said Territories and elsewhere, except the portion of land within the boundaries of their present reservation in the Territory of Idaho, known as the Cœur d'Alene Reservation.

ARTICLE 3.

ARTICLE 3.

Consent to settlement of Spokane.

The said Cœur d'Alene Indians agree and consent that the Upper and Middle bands of Spokane Indians residing in and around Spokane Falls in the Territory of Washington, may be removed to the Cœur d'Alene Reservation and settled thereon in permanent homes on the terms and conditions contained in an agreement made and entered into by and between John V. Wright, Jared W. Daniels, and Henry W. Andrews, commissioners on the part of the United States and said Spokane Indians, concluded on the fifteenth day of March, eighteen hundred and eighty-seven, at Spokane Falls, in the Territory of Washington.

ARTICLE 4.

ARTICLE 4.

Consent to settlement of Kalespil and other Indians.

And it is further agreed that the tribe or band of Indians known as Calespels, now residing in the Calespel Valley, Washington Territory, and any other bands of non-reservation Indians now belonging to the Colville Indian Agency, may be removed to the Cœur d'Alene Reservation by the United States, on such terms as may be mutually agreed on by the United States and any such tribes or bands.

ARTICLE 5.

ARTICLE 5.

Cœur d'Alene Reservation to remain Indian land.

In consideration of the foregoing cession and agreements, it is agreed that the Cœur d'Alene Reservation shall be held forever as Indian land and as homes for the Cœur d'Alene Indians, now residing on said reservation, and the Spokane or other Indians who may be removed to said reservation under this agreement, and their posterity: and no part of said reservation shall ever be sold, occupied, open to white settlement, or otherwise disposed of without the consent of the Indians residing on said reservation.

ARTICLE 6.

Article 6.

Payment to Cœur d'Alene.

Distribution.

Mill.

Articles.

And it is further agreed that the United States will expend for the benefit of said Cœur d'Alene Indians the sum of one hundred and fifty thousand dollars, to be expended under the direction of the Secretary of the Interior, as follows: For the first year, thirty thousand dollars, and for each succeeding year for fifteen years, eight thousand dollars. As soon as possible after the ratification of this agreement by Congress, there shall be erected on said reservation a saw and grist mill, to be operated by steam, and an engineer and miller employed, the expenses of building said mill and paying the engineer and miller to be paid out of the funds herein provided. The remaining portion of said thirty thousand dollars, if any, and the other annual payments shall be expended in the purchase of such useful and necessary articles as shall best promote the progress, comfort, improvement, education, and civilization of said Cœur d'Alene Indians, parties hereto.

ARTICLE 7.

Article 7.

Cash payments instead of articles.

It is further agreed that if it shall appear to the satisfaction of the Secretary of the Interior that in any year in which payments are to be made as herein provided said Cœur d'Alene Indians are supplied with such useful and necessary articles and do not need the same, and that they will judiciously use the money, then said payment shall be made to them in cash.

ARTICLE 8.

Article 8.

Balances.

It is further agreed that any money which shall not be used in the purchase of such necessary articles or paid over, as provided in article seven, shall be placed in the Treasury of the United States to the credit of the said Cœur d'Alene Indians, parties hereto, and expended for their benefit, or paid over to them, as provided in the foregoing articles.

ARTICLE 9.

Article 9.

Selection of articles.

It is further agreed that in the purchase for distribution of said articles for the benefit of said Indians the wishes of said Indians shall be consulted as to what useful articles they may need, or whether they need any at all, and their wishes shall govern as far as it is just and proper.

ARTICLE 10.

Article 10.

Employment of Indians.

It is further agreed that in the employment of engineers, millers, mechanics, and laborers of every kind, preference shall be given in all cases to Indians, parties hereto, qualified to perform the work and labor, and it shall be the duty of all millers, engineers, and mechanics to teach all Indians placed under their charge their trades and vocations.

ARTICLE 11.

Article 11.

Physician, blacksmith, and carpenter.

It is further agreed that in addition to the amount heretofore provided for the benefit of said Cœur d'Alene Indians the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter.

ARTICLE 12.

Article 12.

Marriages with white men.

In order to protect the morals and property of the Indians, parties hereto, no female of the Cœur d'Alene tribe shall be allowed to marry any white man unless, before said marriage is solemnized, said white man shall give such evidence of his character for morality and industry as shall satisfy the agent in charge, the minister in charge, and the chief of the tribe that he is a fit person to reside among the Indians; and it is further agreed that Stephen E. Liberty, Joseph Peavy, Patrick Nixon, and Julien Boutelier, white men who have married Indian women and with their families reside on the Cœur d'Alene Reservation, are permitted to remain thereon, they being subject, however, to all laws, rules, and regulations of the Commissioner of Indian Affairs applicable to Indian reservations.

Article 13.

Article 13.

Lands for De Smet Mission.

It is further agreed and understood that in consideration of the amount expended in buildings and other improvements on said Cœur d'Alene Reservation for religious and educational purposes by the De Smet Mission, and valuable services in the education and moral training of children on said reservation, and in consideration that the Indians, parties hereto, have donated for said purposes one section of land on which is situated the boys' school, one section on which is situated the girl's school, and one section of timbered land for use of the schools, that said De Smet Mission and its successors may continue to hold and use said three sections of land and the buildings and improvements thereon so long as the same shall be used by said De Smet Mission and its successors for religious and educational purposes.

Article 14.

Article 14.

Effect.

This agreement shall not be binding on either party until ratified by Congress.

Signatures.

In testimony whereof the said John V. Wright, Jared W. Daniels, and Henry W. Andrews, on the part of the United States, and the chiefs, headmen, and other adult Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Done at De Smet Mission on the Cœur d'Alene Reservation, in the Territory of Idaho, on this the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and eighty-nine.

Agreement with Cœur d'Alene ratified.

Sec. 20. That the following agreement entered into with the said Cœur d'Alene Indians by Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, Commissioners on the part of the United States, signed by said Commissioners and by said Andrew Seltice, Chief, and others, on the part of said Indians, which agreement bears date September ninth, eighteen hundred and eighty-nine, and is now on file in the Interior Department, is hereby accepted, ratified, and confirmed, and is in the following words, to wit:

Agreement.

AGREEMENT.

25 Stat., p. 1002.

This agreement, made pursuant to an item of an Act of Congress, namely; Section 4 of the Indian appropriation act, approved March two, eighteen hundred and eighty-nine, (25 Stat., 1002), by Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, duly appointed commissioners on the part of the United States, parties of the first part, and the Cœur d'Alene tribe of Indians, now residing on the Cœur d'Alene Reservation in the Territory of Idaho, by their chiefs, headmen, and other male adults whose names are hereunto subscribed, parties of the second part witnesseth:

Article 1.

Article 1.

Lands on reservation ceded.

For the consideration hereinafter named the said Cœur d'Alene Indians hereby cede, grant, relinquish, and quitclaim to the United States, all the right, title, and claim which they now have, or ever

Description.

had, to the following-described portion of their reservation, to wit: Beginning at the northeast corner of the said reservation, thence running along the north boundary line north sixty-seven degrees twenty-nine minutes west to the head of the Spokane River; thence down the Spokane River to the northwest boundary corner of the said reservation; thence south along the Washington Territory line twelve miles; thence due east to the west shore of the Cœur d'Alene Lake; thence southerly along the west shore of said lake to a point due west of the mouth of the Cœur d'Alene River where it empties into the said lake; thence in a due east line until it intersects with the eastern boundary line of the said reservation; thence northerly along the said east boundary line to the place of beginning.

ARTICLE 2.

ARTICLE 2.

Money payment.

And it is further agreed, in consideration of the above, that the United States will pay to the said Cœur d'Alene tribe of Indians the sum of five hundred thousand dollars, the same to be paid to the said Cœur d'Alene tribe of Indians upon the completion of all the provisions of this agreement.

ARTICLE 3.

ARTICLE 3.

To be paid pro rata.

It is further agreed that the payment of money aforesaid shall be made to the said tribe of Indians pro rata or share and share alike for each and every member of the said tribe as recognized by said tribe now living on said reservation.

ARTICLE 4.

ARTICLE 4.

Dependent on ratification of former agreement.

It is further agreed and understood that this agreement shall not be binding on either party until the former agreement now existing between the United States by the duly-appointed commissioners and the said Cœur d'Alene tribe of Indians, bearing date March twenty-sixth, eighteen hundred and eighty-seven, shall be duly ratified by Congress; and in the event of the ratification of the aforesaid agreement of March twenty-sixth, eighteen hundred and eighty-seven, then this agreement to be and remain in full force and effect but not binding on either party until ratified by Congress. In witness whereof the said Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, on the part of the United States, and the chiefs, headmen, and other adult male Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Signatures.

Done at De Smet Mission, on the Cœur d'Alene Reservation, in the Territory of Idaho, this the 9th day of September, in the year of our Lord one thousand eight hundred and eighty-nine.

Payment to Cœur d'Alene.

SEC. 21. That for the purpose of carrying into effect the provisions of said two agreements with said Cœur d'Alene Indians there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, in the manner and for the purpose as hereinafter specifically stated the following sums, to wit: For the first installment of one hundred and fifty thousand dollars, as provided for in article six of the first of said agreements, thirty thousand dollars, to be expended for the building and erection on said Cœur d'Alene Indian Reservation of a saw and grist mill, to be operated by steam, and for the payment of the wages of the engineer and miller to be employed in said mill, respectively, the remaining portion of said thirty thousand dollars, if any, to be expended in the purchase of such useful and necessary articles as shall best promote the progress, comfort, improvement, education, and civilization of said Cœur d'Alene Indians, all of said articles to be purchased, and said engineer and miller to be employed as near as may be in strict conformity with articles nine and ten of the first of said agreements. And for the

Division.

Mill.

Necessary articles.

Pro rata payment.

purpose of meeting the requirements of articles two and three of the second agreement aforesaid the sum of five hundred thousand dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid by the United States to the said Cœur d'Alene tribe of Indians upon their compliance with all the provisions of the said second agreement hereinbefore recited, the same to be paid to the said tribe of Indians pro rata, or share and share alike, for each and every member of the said tribe as recognized by said tribe now living on said reservation.

Ceded lands open to homestead entry only.

R. S., sec. 2301

Provisos.
Additional payment.

Soldiers and sailors.

R. S., secs. 2304, 2305.

Patent to Frederick Post.

Payment.

SECTION 22. That all lands so sold and released to the United States, as recited or described in both of said agreements, and not heretofore granted or reserved from entry or location, shall, on the passage of this act, be restored to the public domain, and shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law, except section twenty-three hundred and one of the Revised Statutes of the United States, which shall not apply, and under the law relative to town sites or to locators or purchasers under the mineral laws of the United States: *Provided*, That each settler or purchaser under and in accordance with the provisions of said homestead act, shall pay to the United States, for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of one dollar and fifty cents per acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States shall not be abridged, except as to the said sum to be paid as aforesaid: *Provided further*, That the Secretary of the Interior shall cause to be surveyed for and patented to Frederick Post, upon his making final proof of all thereof before the register and receiver of the proper United States land office, and to the satisfaction of the Commissioner of the General Land Office and Secretary of the Interior, and paying therefor two dollars and fifty cents per acre and the cost of making such survey of such portion of said reservation as is recited in the agreement in word and figures as follows, to wit:

Agreement.

Description.

"Know all men by these presents that I, Andrew Seltice chief of the Cœur d'Alene Indians, did on the first day of June, A. D. eighteen hundred and seventy-one, with the consent of my people, when the country on both sides of the Spokane River belonged to me and my people, for a valuable consideration sell to Frederick Post the place now known as Post Falls, in Kootenai County, Idaho, to improve and use the same (water-power); said sale included all three of the river channels and islands, with enough land on the north and south shores for water-power and improvements; and have always protected the said Frederick Post, for eighteen years, in the rights there and then conveyed, and he has always done right with me and my people. We, the chiefs of the Cœur d'Alenes, have signed articles of agreement with the Government to sell the portion of the reservation joining Post Falls, in which we have excepted the above-prescribed rights, before conveyed to Frederick Post, and no Indian and no white man except Frederick Post have any rights on the above-described lands and river channels; the said Frederick Post has fulfilled all of his agreements with me and my people by improving the water-power and building mills at great expense, and I hereby authorize him to build a house and take full possession of the above-described lands on the reservation side, so that when the treaty is confirmed he may have full possession and protection of the Government in the same.

"Given under my hand and seal this 16th day of Sept'r., A. D. 1889.

his
"ANDREW X SELTICE.
mark.

[26 Stat., 1032.]
Agreement with Indians at Fort Berthold Agency.

Proclamation, post, p. 948.

SEC. 23. The following agreement, entered into on behalf of the United States, by John V. Wright, Jared W. Daniels, and Charles F. Larrabee, Commissioners, on December fourteenth, eighteen hundred and eighty-six, with the Indians of the Fort Berthold Agency, North Dakota, and now on file in the Interior Department, signed by said Commissioners on the part of the United States and by Pa-des-a-hish and others on the part of the Gros Ventres; and by Wo-ka-se and others for the Mandans and Kun-nukh-to-wite and others on the part of the Arickarees, and is in the following words, to wit:

Agreement.

"This agreement made pursuant to an item in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes," approved May fifteenth, eighteen hundred and eighty-six, by John V. Wright, Jared W. Daniels, and Charles F. Larrabee, duly appointed commissioners on the part of the United States, and the Arickaree, Gros Ventre, and Mandan tribes of Indians, now residing on the Fort Berthold Reservation, in the Territory of Dakota, by the chiefs, headmen, and principal men, embracing a majority of all the adult male members of said tribes, Witnesseth that whereas it is the policy of the Government to reduce to proper size existing reservations when entirely out of proportion to the number of Indians existing thereon, with the consent of the Indians, and upon just and fair terms; and whereas the Indians of the several tribes, parties hereto, have vastly more land in their present reservation than they need or will ever make use of, and are desirous of disposing of a portion thereof in order to obtain the means necessary to enable them to become wholly self-supporting by the cultivation of the soil and other pursuits of husbandry:

Preamble.

Therefore, it is hereby agreed and covenanted by the parties to this instrument, as follows:

ARTICLE I.

ARTICLE I.

Lands ceded.

Description.

The Arickaree, Gros Ventre, and Mandan tribes of Indians, parties hereto, hereby cede, sell, and relinquish to the United States all their right, title, and interest in and to all that portion of the Fort Berthold Reservation, as laid down upon the official map of the Territory of Dakota, published by the General Land Office in the year eighteen hundred and eighty-five, lying north of the forty-eighth parallel of north latitude, and also all that portion lying west of a north and south line six miles west of the most westerly point of the big bend of the Missouri River, south of the forty-eighth parallel of north latitude.

ARTICLE II.

ARTICLE II.

Annual expenditure for Indians.

In consideration of the foregoing cession and relinquishment the United States shall advance and expend, under the direction of the Secretary of the Interior, the sum of eighty thousand dollars ($80,000), annually, for the period of ten (10) years from and after the ratification of this agreement, for such purposes and in such manner as shall best promote the civilization and well-being of said Indians, and as hereinafter provided.

ARTICLE III.

ARTICLE III.

Allotment in severalty.

It is further agreed that the Secretary of the Interior shall cause the lands embraced within the diminished reservation, or such portion thereof as may be necessary, to be surveyed and, either through the agent, or such other person as he may designate, allot the same in severalty to the Indians of the several tribes, parties hereto, in quantity as follows:

Quantities.

To each head of a family, one hundred and sixty acres.
To each single person over eighteen years of age, eighty acres.
To each orphan child under eighteen years of age, eighty acres.
To each other person under eighteen years of age, forty acres.

Proviso.
Selection.

Provided, That all allotments made under the provisions of this agreement shall be selected by the Indians, heads of families selecting for their minor children, and the agent shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selections, if they so desire.

Article IV.

Article IV.

Trust patents to issue.
Conveyance in fee.

That upon the approval of the allotments provided for in the foregoing article by the Secretary of the Interior, he shall cause patents to issue therefor, in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs, according to the laws of the Territory of Dakota, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs as aforesaid in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

Proviso.
Descent, etc.

Provided, That the laws of descent and partition in force in said Territory shall apply thereto after the first patents therefor have been executed and delivered.

Article V.

Article V.

Extension of Dakota laws.

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of said tribes to whom allotments have been made shall have the benefit of and be subject to the laws of the Territory of Dakota in all offenses the penalty of which is death or imprisonment in the penitentiary; and said Territory shall not pass or enforce any law denying any such Indian the equal protection of the law.

Article VI.

Article VI.

Remaining lands to be held in trust for tribes.
Modified, post, p. 428.
Conveyance in common.
Proviso.
Conveyance to children.

That the residue of lands within said diminished reservation, after all allotments have been made as provided in Article III of this agreement, shall be held by the United States for the period of twenty-five (25) years, in trust, for the sole use and benefit of said tribes of Indians, and at the expiration of said period the United States will convey the same by patent to said tribes in common, in fee, discharged of said trust and free of all charge or incumbrances whatever: *Provided*, That from the residue of said lands thus held in trust allotments shall be made and patented to each child of said tribes who may be born prior to the expiration of the time during which it is provided that said lands shall be held in trust by the United States, in quantity and upon the same conditions, restrictions, and limitations as provided in Article IV touching patents to allottees therein mentioned; but such conditions, restrictions, and limitations shall not extend beyond the expiration of the period during which the lands owned by the Indians in common are held in trust by the United States.

Article VII.

Article VII.

New buildings, etc.

Proviso.

Purchase of goods etc.

Employment of Indians.

It is further agreed that the sum of twelve thousand dollars ($12,000), or so much thereof as may be necessary, of the first installment of eighty thousand dollars provided for in Article II of this agreement, shall be expended in the removal of the agency buildings and property to a more suitable locality, in needed repairs, and in the erection of such new buildings as may be required: *Provided*, That in the opinion of the Secretary of the Interior the removal of the agency from its present site is desirable. And the balance of said installment, and each subsequent annual installment, shall be expended, except as hereinafter provided, in the purchase of goods, provisions, agricultural and mechanical implements, in providing employees, in the education of Indian children, procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement; and the wishes of said Indians shall be consulted, and govern, so far as practicable, in the expenditure of said money. And in the employment of farmers, artisans, and laborers preference shall in all cases be given to the Indians residing on the reservation who are properly qualified for such positions.

Assistance to Indians for self-support.

Disposal of surplus of installments.

In order to assist the Indians in settling upon their individual allotments, and encourage them in their efforts at self-support, it is further agreed that each family and male Indian over eighteen years of age, when he shall in good faith commence the cultivation of his individual allotment with the intention of residing permanently thereon, shall be assisted in the erection of a comfortable house, and be provided with one cook-stove, one yoke of work oxen, one breaking plow, one stirring plow, one cow, one wagon, one axe, one hoe, one spade, one hand-rake, one scythe, and one pitch-fork; or, in lieu of any of said articles, such other useful and proper articles as they may require, in the discretion of the Commissioner of Indian Affairs, the cost thereof to be paid out of the funds advanced as per Article II of this agreement: *Provided further*, That whenever in the opinion of the President the annual installment of eighty thousand dollars provided for in the first article of this agreement shall be found to be in excess of the amount required to be expended in any one year in carrying out the provisions of this agreement so much thereof as may be in excess of such requirement shall be placed to the credit of said Indians in the Treasury of the United States and expended in continuing the benefits herein provided for when said annual installments shall have expired.

Article VIII.

Article VIII.

Subsistence.

Hereafter no subsistence shall be furnished any adult male Indian (the aged, sick, and infirm excepted) who does not endeavor by honest labor to support himself, nor to children between the ages of eight and fifteen years (the sick and infirm excepted), unless such children shall regularly attend school.

Article IX.

Article IX.

Survey of boundaries.

The outboundaries of the diminished reservation shall be surveyed and marked in a plain and substantial manner, the cost thereof to be paid out of the first annual installment provided for in Article II of this agreement.

Article X.

Article X.

Effect.

This agreement shall not be binding on either party until ratified by Congress.

Dated and signed in open council at Fort Berthold Agency, in the Territory of Dakota, December fourteenth, eighteen hundred and eighty-six;"

Ratification.

Modification of Article VI.

Be, and the same is hereby, accepted, ratified, and confirmed except as to article six thereof, which is modified and changed on the part of the United States so as to read as follows: "That the residue of lands within said diminished reservation, after all allotments have been made as provided in article three of this agreement, shall be held by the said tribes of Indians as a reservation;" and as so modified said agreement is accepted and confirmed: *Provided*, That this act shall take effect only upon the acceptance of the modification and changes made by the United States as to article six of the said agreement by the said tribes of Indians in manner and form as said agreement was assented to, which said acceptance and consent shall be made known by proclamation by the President of the United States upon satisfactory proof presented to him that the said acceptance and consent have been obtained in such manner and form.

Residue to be held as reservation.

Proviso.

Acceptance of modification.

First installment.

SEC. 24. That for the purpose of carrying out the terms of said agreement the sum of eighty thousand dollars is hereby appropriated, to be immediately available.

Lands ceded to be open to homestead entry only.

R. S., sec. 2301.

SEC. 25. That whenever any of the lands acquired by this agreement hereby ratified and confirmed shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only under the provisions of the homestead laws, except section twenty-three hundred and one of the Revised Statutes of the United States, which shall not apply: *Provided, however*, That each settler on said lands shall, before making final proof and receiving a certificate of entry pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry the sum of one dollar and fifty cents for each acre thereof, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged except as to the sum to be paid as aforesaid.

Proviso.

Additional payment.

Soldiers and sailors.

R. S., secs. 2304, 2305.

Agreement with Sisseton and Wahpeton Sioux Indians ratified.

SEC. 26. That the following agreement entered into on behalf of the United States by Eliphalet Whittlesey, D. W. Diggs, and Charles A. Maxwell, commissioners on the part of the United States, on the twelfth day of December, eighteen hundred and eighty-nine, with the Sisseton and Wahpeton bands of Dakota or Sioux Indians now on file in the Department of the Interior, signed by said commissioners for the United States, and for said Indians by Simon Ananangmari and others, is hereby accepted, ratified, and confirmed, and is in the following terms, to wit:[a]

Preamble.

Ante, p. 33.

"Whereas, by section five of the act of Congress entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' approved February eighth, eighteen hundred and eighty-seven, it is provided 'That at any time after lands have been allotted to all the

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[a] Previous legislation relative to the Sisseton and Wahpeton bands of Sioux is found in the acts of March 3, 1863 (12 Stat., 803), providing for the sale of their reservation and that the Indians should be subject to the laws of the United States; the act of July 15, 1870 (16 Stat., 361), amendatory of the preceding act; the act of June 2, 1872 (17 Stat., 281), authorizing the Secretary of the Interior to determine their right to the lands occupied by them, and the act of June 22, 1874 (18 Stat., 167), confirming an agreement of 1872 whereby their title was relinquished.

Subsequent acts are June 7, 1897 (post, p. 620), authorizing leases for grazing purposes; July 1, 1898 (post, p. 606), requiring leases to be approved by the Secretary of the Interior and declaring subleases void; March 1, 1899 (post, p. 686), regulating attorneys' contracts, and March 3, 1901 (post, p. 742), referring claims of loyal members of these bands to the Court of Claims.

Indian of any tribe, as herein provided, or sooner,' if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by the said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservations not allotted as such tribe shall from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress; and the form and manner of executing such release shall also be prescribed by Congress.

Vol. 2, p. 956.

Whereas the Sisseton and Wahpeton bands of Dakota or Sioux Indians are desirous of disposing of a portion of the land set apart and reserved to them by the third article of the treaty of February nineteenth, eighteen hundred and sixty-seven, between them and the United States, and situated partly in the State of North Dakota and partly in the State of South Dakota:

Agreement.

Post, p. 559.

Now, therefore, this agreement made and entered into in pursuance of the provisions of the Act of Congress approved February eighth, eighteen hundred and eighty-seven, aforesaid, at the Sisseton Agency, South Dakota, on this the twelfth day of December, eighteen hundred and eighty-nine, by and between Eliphalet Whittlesey, D. W. Diggs, and Charles A. Maxwell, on the part of the United States, duly authorized and empowered thereto, and the chiefs, head-men, and male adult members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians, witnesseth:

ARTICLE I.

Lands ceded.

ARTICLE I.

The Sisseton and Wahpeton bands of Dakota or Sioux Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of the reservation set apart to said bands of Indians as aforesaid remaining after the allotments and additional allotments provided for in article four of this agreement shall have been made.

ARTICLE II.

Payment for lands.

ARTICLE II.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, the sum of two dollars and fifty cents per acre for each and every acre thereof, and it is agreed by the parties hereto that the sum so to be paid shall be held in the Treasury of the United States for the sole use and benefit of the said bands of Indians; and the same, with interest thereon at three per centum per annum, shall be at all times subject to appropriation by Congress for the education and civilization of the said bands of Indians, or members thereof, as provided in section five of an act of Congress, approved February eighth, eighteen hundred and eighty-seven, and entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes:" *Provided*, That any religious society or other organization now occupying, under proper authority, for religious or educational work among the Indians, any of the land in this agreement ceded, sold, relinquished, and conveyed shall have the right, for two years from the date of the ratification of this instrument, within which to purchase the lands so occupied at a price to be fixed by the Congress of the United States: *Provided further*, That the cession, sale, relinquishment, and conveyance of the lands described in article one of this agreement shall not

To be held in trust.

Ante, p. 33.

Provisos.

Lands for religious, etc., uses.

Payment to be made before cession.

take effect and be in force until the sum of three hundred and forty-two thousand seven hundred and seventy-eight dollars and thirty-seven cents, together with the sum of eighteen thousand and four hundred dollars, shall have been paid to said bands of Indians, as set forth and stipulated in article third of this agreement.

Article III.

ARTICLE III.

Repayment to Indians.

The United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, per capita, the sum of three hundred and forty-two thousand seven hundred and seventy-eight dollars and thirty-seven cents, being the amount found to be due certain members of said bands of Indians who served in the armies of the United States against their own people when at war with the United States, and their families and descendants, under the provisions of the fourth article of the treaty of July twenty-third, eighteen hundred and fifty-one, and of which they have been wrongfully and unjustly deprived by the operation of the provisions of an act of Congress approved February sixteenth, eighteen hundred and sixty-three, and entitled "An act for the relief of persons for damages sustained by reason of depredation, and injuries by certain bands of Sioux Indians"; said sum being at the rate of eighteen thousand four hundred dollars per annum from July first, eighteen hundred and sixty-two, to July first, eighteen hundred and eighty-eight less their pro rata share of the sum of six hundred and sixteen thousand and eighty-six dollars and fifty-two cents, heretofore appropriated for the benefit of said Sisseton and Wahpeton bands of Dakota or Sioux Indians, as set forth in report numbered nineteen hundred and fifty-three, of the House of Representatives, Fiftieth Congress, first session.

Vol. 2, p. 588.

12 Stat., 652.

Additional payment.

The United States further agrees to pay to said bands of Indians, per capita, the sum of eighteen thousand and four hundred dollars annually from the first day of July, eighteen hundred and eighty-eight, to the first day of July, nineteen hundred and one, the latter date being the period at which the annuities to said bands of Indians were to cease, under the terms of the fourth article of the treaty of July twenty-third, eighteen hundred and fifty-one, aforesaid; and it is hereby further stipulated and agreed that the aforesaid sum of three hundred and forty-two thousand seven hundred and seventy-eight dollars and thirty-seven cents, together with the sum of eighteen thousand and four hundred dollars, due the first day of July, eighteen hundred and eighty-nine, shall become immediately available upon the ratification of this agreement.

Vol. 2, p. 588.

Article IV.

ARTICLE IV.

Allotments in severalty.

It is further stipulated and agreed that there shall be allotted to each individual member of the bands of Indians, parties hereto, a sufficient quantity, which, with the lands heretofore allotted, shall make in each case one hundred and sixty acres, and in case no allotment has been made to any individual member of said bands, then an allotment of one hundred and sixty acres shall be made to such individual, the object of this article being to equalize the allotments among the members of said bands, so that each individual, including married women, shall have one hundred and sixty acres of land; and patents shall issue for the lands allotted in pursuance of the provisions of this article, upon the same terms and conditions and limitations as is provided in section five of the act of Congress, approved February eighth, eighteen hundred and eighty-seven, hereinbefore referred to.

Ante, p. 34.

ARTICLE V.

ARTICLE V.

Right of way to Chicago, Milwaukee and Saint Paul Railway.

The agreement concluded with the said Sisseton and Wahpeton bands of Dakota or Sioux Indians, on the eighth day of December, eighteen hundred and eighty-four, granting a right of way through their reservation for the Chicago, Milwaukee and Saint Paul Railway, is hereby accepted, ratified and confirmed.

ARTICLE VI.

ARTICLE VI.

Effect.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

In witness whereof we have hereunto set our hands and seals the day and year above written.

Signatures.

ELIPHALET WHITTLESEY,
D. W. DIGGS,
CHAS. A. MAXWELL,
On the part of the United States.

The foregoing articles of agreement having been fully explained to us, in open council, we, the undersigned, being male adult members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians, do hereby consent and agree to all the stipulations, conditions, and provisions therein contained.

Simon Ananangmari (his x mark), and others.

Payment to Indians.

Amount.

To Sisseton and Wahpeton.

To scouts, etc., employed in suppressing Sioux outbreak of 1862, etc.

See post, p. 485.

For unpaid annuities.

Proviso.

Attorneys' contracts 1890, c. 324, post, p. [illegible].

SEC. 27. That for the purpose of carrying out the terms and provisions of said agreement there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated the sum of two million two hundred and three thousand dollars, of which amount the sum of five hundred and three thousand two hundred dollars shall be immediately available, and the same, or so much thereof as may be necessary, shall be paid as follows, to wit: To the Sisseton and Wahpeton Indians, parties to this agreement, the sum of three hundred and seventy-six thousand five hundred and seventy-eight dollars and thirty-seven cents, said amount to be distributed per capita. To the scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux Indians, who were enrolled and entered into the military service of the United States and served in suppressing what is known as the "Sioux outbreak of eighteen hundred and sixty-two;" or those who were enrolled and served in the armies of the United States in the war of the rebellion, and to the members of their families and descendants, now living, of such scouts and soldiers as are dead, who are not included in the foregoing class, as parties to said agreement, the sum of one hundred and twenty-six thousand six hundred and twenty dollars, said amount to be distributed per capita; and the said sum of five hundred and three thousand and two hundred dollars or so much thereof as may be necessary, when paid to the said Sisseton, Wahpeton, Medowakanton, and Wahpakoota bands of Sioux Indians, their families and descendants, designated in this act, shall be deemed a full settlement of all claims they may have for unpaid annuities, under any and all treaties or acts of Congress up to the thirtieth day of June, eighteen hundred and ninety: *Provided, however*, That all contracts or agreements between said Indians or any of them, and agents, attorneys, or other persons for the payment of any part of this appropriation for or on account of fees or compensation to said agents, attorneys or other persons, unless the same have been made, as provided by law, and are yet in force and have been approved by the Department of the Interior, or have been made by and between citizens of the United States are hereby declared null and void, and in

Maximum to attorneys.

Balance applied to education, etc., of Indians.

such cases the Secretary of the Interior shall cause all moneys herein appropriated to be paid directly to the said Indians and shall pay no portion of the same, to their said agents or attorneys. And in no event shall a sum exceeding ten per cent. be paid to any agent or attorney, and the balance, after deducting the said five hundred and three thousand two hundred dollars, to wit, the sum of one million six hundred and ninety-nine thousand eight hundred dollars, or so much thereof as may be necessary, to pay for lands by said agreement ceded, sold, relinquished, and conveyed at the rate of two dollars and fifty cents per acre, shall be placed in the Treasury of the United States, to the credit of said Sisseton and Wahpeton bands of Dakota or Sioux Indians (parties to said agreement), and the same, with interest thereof at five per centum per annum, shall be at all times subject to appropriation by Congress or to application by order of the President for the education and civilization of said bands of Indians or members thereof.

Lands for religious uses.

SEC. 28. That any religious society or other organization now occupying under proper authority any of the lands by said agreement ceded, sold, relinquished, and conveyed shall have the right for a period of two years from the date hereof, within which to purchase the lands so occupied not exceeding one hundred and sixty acres in any one tract at the price paid therefor by the United States under said agreement.

Additional allotments.

Ante, p. 33.

Allotment agents.

SEC. 29. That in order to further carry out the provisions of said agreement and of this act, the Secretary of the Interior is authorized and directed, as soon as practicable, to cause the additional allotment provided for in said agreement to be made in the manner and form as provided in an act entitled "An act to provide for the allotments of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," and as provided in any existing amendments of said act, approved February eighth, eighteen hundred and eighty-seven, and to pay the sums hereinbefore made immediately available, first to the parties to said agreement, or their proper representatives, and to appoint suitable officers for such purposes who shall furnish bonds usual in such cases, and whose compensation and expenses shall be paid out of said available funds as the Secretary of the Interior shall direct, and whose lawful acts, when approved by him, shall be final and conclusive.

Lands ceded, open only to homestead and town-site entry.

School lands.

Proviso.
Additional payment.

SEC. 30. That the lands by said agreement ceded, sold, relinquished, and conveyed to the United States shall immediately, upon the payment to the parties entitled thereto of their share of the funds made immediately available by this act, and upon the completion of the allotments as provided for in said agreement, be subject only to entry and settlement under the homestead and town-site laws of the United States, excepting the sixteenth and thirty-sixth sections of said lands, which shall be reserved for common school purposes, and be subject to the laws of the State wherein located: *Provided*, That patents shall not issue until the settler or entryman shall have paid to the United States the sum of two dollars and fifty cents per acre for the land taken up by such homesteader, and the title to the lands so entered shall remain in the United States until said money is duly paid by such entryman or his legal representatives, or his widow, who shall have the right to pay the money and complete the entry of her deceased husband in her own name, and shall receive a patent for the same.

[26 Stat., 1039.]

Agreement with Crow Indians, Montana, ratified.
See note to 1882, ch. 74, ante p. 196.

SEC. 31. The following agreement entered into by J. Clifford Richardson, Charles M. Dole, and Rockwell J. Flint, commissioners on the part of the United States, and Carl Lieder and others on behalf of the Crow Indians, on the eighth day of December, eighteen hundred and ninety, with the Crow tribe of Indians, in Montana, which said agreement is hereby accepted, ratified, and confirmed, and is now on file in the Department of the Interior and is in the words and figures as follows, to wit:

Agreement.

Lands sold.

We, the undersigned, adult male Indians of the Crow tribe now residing on the Crow Indian Reservation, in the State of Montana, do, this eighth day of December A. D. eighteen hundred and ninety, hereby agree to dispose of and sell to the Government of the United States, for certain considerations hereinafter mentioned, all that portion of the Crow Indian Reservation, in the State of Montana, lying west and south of the following lines, to wit:

Description.

Beginning in the mid-channel of the Yellowstone River, at a point which is the northwest corner of section Number thirty-six, township Number two north, of range twenty-seven east, of the principal meridian of Montana, thence running in a southwesterly direction, following the top of the natural divide between the waters flowing into the Yellowstone and Clarke's Fork Rivers upon the west and those flowing into Pryor Creek and West Pryor Creek on the east, to the base of West Pryor Mountain. Thence due south and up the north slope of said Pryor Mountain on a true meridian line to a point fifteen miles due north from the established line between Montana and Wyoming; thence in a due easterly course on a parallel of latitude to a point where it intersects the mid-channel of the Big Horn River, thence following up the mid-channel of said river to a point where it crosses the Montana and Wyoming State line.

Consideration.

That in consideration of the cession of territory herein made by us as individual Indians and heads of families of the Crow tribe to the Government of the United States, the said Government of the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, hereby agrees to pay the sum of nine hundred and forty-six thousand dollars lawful money of the United States, in the manner hereinafter described:

Amount to be used for irrigation.

Proviso.
Annual expenditure.
Employment of Indians.

First. That of the above-named sum there is hereby appropriated and set apart two hundred thousand dollars to be expended under the direction of the Secretary of the Interior in the building of dams, canals, ditches, and laterals for the purposes of irrigation in the valleys of the Big Horn and the Little Big Horn Rivers and on Pryor Creek and such other streams as the Secretary of the Interior may deem proper: *Provided*, That not to exceed fifty thousand dollars shall be expended annually in performing this work: *And provided further*, That the superintendent in charge of said works shall, in the employment of laborers, be required to give preference to such Indians of the Crow tribe as are competent and willing to work at the average wages paid to common laborers for the same kind of work, and the labor so employed shall be paid in cash.

Irrigating fund.

That the sum of seventy-five thousand dollars is hereby appropriated and set apart as an irrigating fund, to be expended under the direction of the Secretary of the Interior for the maintenance and management of the system of irrigation provided for in this agreement.

Grist mills.

Third. That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set apart, to be expended under the direction of the Secretary of the Interior, for the construction of three grist mills, to be located, one on Pryor Creek, one on the Big Horn, and one on the Little Big Horn River at such points as the Indian agent may deem convenient and practicable and at such times as the needs of the Indians may require.

Sub-depot.

Fourth. That the sum of twenty thousand dollars is hereby appropriated and set apart to be expended in the construction and maintenance of a sub-Indian depot, to be located on Pryor Creek, provided that the Secretary of the Interior shall deem it advisable to establish such depot on the reservation; otherwise the amount herein appropriated shall, at the expiration of two years from the date of this agreement, be placed in the fund provided for by section nine (9) of this agreement.

School houses.

Fifth. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to be expended under the direction of the Secretary of the Interior in the building of schoolhouses at such points on the reservation and at such times as the Indians may require, and upon the recommendation of the Indian agent.

Repairing houses, etc.

Sixth. That the sum of ten thousand dollars is hereby appropriated and set aside as a fund to be expended under the direction of the Secretary of the Interior in repairing and improving the houses of the Indians now erected on the reservation, and to make them as far as possible warm and comfortable dwellings.

Blacksmith shops.

Seventh. That the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the construction and equipment of three blacksmith shops, to be located at such places upon the reservation, and to be built at such times as the Indian agent may recommend, subject to the approval of the Secretary of the Interior.

Annuity fund.

Distribution.

Eighth. That the sum of five hundred and fifty-two thousand dollars is hereby appropriated and set aside as an annuity fund, to be distributed as follows: Each Indian of the Crow tribe, male and female, shall receive an annual annuity of twelve dollars in cash for the period of twenty years from the date of this agreement. Said annuity to be paid semi-annually in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

Purchase of cattle.

Ninth. That the sum of forty-six thousand dollars is hereby appropriated and set aside, to be expended by the Indian agent, under the direction of the Secretary of the Interior, in the purchase of cattle from time to time as may be deemed advisable; the cattle so purchased to form a herd to be held in common by the Crow tribe. All cattle sold from said herd shall be paid for in cash, and the net proceeds of such sale shall constitute a fund to be known as the Crow herd fund.

Herd fund.

When said fund shall exceed the sum of fifteen thousand dollars, it shall be the duty of the Indian agent, and he is hereby required, to apportion to each Indian entitled to the annual annuity provided for in section eighth the sum of five dollars, to be paid in cash under such rules and regulations as the Secretary of the Interior may prescribe.

Disposition of balances.

Tenth. That when each object for which a specific appropriation has been made in this agreement shall have been fully carried out and completed, then the balance remaining of such appropriation shall constitute a fund to be expended for the benefit of the Crow tribe in such manner as the Secretary of the Interior may determine.

Prior allotments confirmed.

Eleventh. That all lands upon that portion of the reservation to be herein ceded which, prior to the date of this agreement, have been allotted in severalty to Indians of the Crow tribe shall be retained and enjoyed by them: *Provided, however,* That such Indians shall have the right at any time within three years to surrender his or her allotment, and select a new allotment within the retained reservation upon the same terms and conditions as were prescribed in selecting the first allotment.

Provisos.

New selections.

Improvements on allotments.

It is further provided, That every Indian who shall surrender an allotment within the time specified, that has improvements upon it, shall have like improvements made for him upon the new allotment, and for this purpose the sum of five thousand dollars, or so much of it as may be necessary, is hereby appropriated and set apart.

Allotments already made, not impaired.
Vol. 2, p. 1008.

Twelfth. It is further provided, in accordance with provisions of Article VI of the treaty of May seventh, Anno Domini eighteen hundred and sixty-eight, that this cession of lands shall not be construed to deprive without his or her consent, any individual Indian of the Crow tribe of his or her right to any tract of land selected by him or

Ante, p. 195.

her in conformity with said treaty, or as provided by the agreement approved by Congress April eleven, Anno Domini eighteen hundred and eighty-two; and it is further provided that in ratifying this agreement the Congress of the United States shall cause all such lands to be surveyed and certificates duly issued for the same to said Indians, as provided in the treaty of May seventh, eighteen hundred and sixty-eight, before said ceded portion of the reservation shall be opened for settlement.

Survey.
Vol. 2, p. 1008.

Ratification.

Thirteenth. It is a condition of this agreement that it shall not be binding upon either party until ratified by the Congress of the United States, and when so ratified that said cession of lands so acquired by the United States shall not be opened for settlement until the boundary lines set forth and described in this agreement have been surveyed and definitely marked by suitable permanent monuments, erected every half mile, wherever practicable, along the entire length of said boundary line.

Boundary monuments.

Expenses of chiefs' visit to Washington.

Fourteenth. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set apart to pay the expenses of twelve Crow chiefs and one interpreter to visit the President of the United States at Washington, to consult with him for the benefit of the Crow tribe, at such time as the President may determine, within one year from the date of this agreement.

Former provisions continued.
Vol. 2, p. 1008.
Ante, p. 195.

Fifteenth. That all existing provisions of the treaty of May seventh Anno Domini eighteen hundred and sixty-eight, and the agreement approved by act of Congress dated April eleventh, eighteen hundred and eighty-two, shall continue in force.

Done at Crow Agency, Montana, this eighth day of December, A. D. eighteen hundred and ninety.

Signatures.

J. Clifford Richardson,
C. M. Dole,
R. J. Flint,
Commissioners to the Crow Indians.

Carl Lieder and others, for the said Indians.

Payment to Indians.

Sec. 32. That for the purpose of carrying the provisions of the foregoing agreement into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the said sum of nine hundred and forty-six thousand dollars, so agreed to be paid, to be expended for the purposes and in the manner provided in said agreement.

Survey of boundary and selections.

Sec. 33. That the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the survey of the boundary line between the Crow Reservation and the lands ceded by said agreement, as stipulated in section fourteen thereof, and for the survey of lands selected by members of the Crow tribe of Indians under the provisions of article six of the treaty between the United States and the Crow Indians, concluded May seventh, eighteen hundred and sixty-eight, or under the provisions of the act approved April eleventh, eighteen hundred and eighty-two, entitled "An act to accept and ratify the agreement submitted by the Crow Indians of Montana for the sale of a portion of their reservation in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same." And certificates shall be issued for such selections under said article, as required by section twelve of the foregoing agreement.

Vol. 2, p. 1008.

Ante, p. 195.

Certificates.
Supra.

[26 Stat., 1043.]
Ceded lands open only to homestead entry.

Sec. 34. That whenever any of the lands acquired by the agreement with said Crow Indians hereby ratified and confirmed shall by operation of law or the proclamation of the President of the United States be open to settlement, they shall, except mineral lands, be disposed of

R. S., sec. 2301.

Provisos.
Additional payment.

Selections in severalty to be made in sixty days.
Vol. 2, p. 1008.

Certain erroneous locations confirmed.

Mining claims.

to actual settlers only, under the provisions of the homestead laws, except section twenty-three hundred and one of the Revised Statutes, which shall not apply: *Provided, however*, That each settler, under and in accordance with the provisions of said homestead laws, shall, before receiving a patent for his homestead, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry the sum of one dollar and fifty cents for each acre thereof one half of which shall be paid within two years; and any person otherwise qualified who has attempted to, but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon any of said lands in conformity with the provisions of this section. That any person who may be entitled to the privilege of selecting land in severalty under the provisions of article six of the treaty of May seventh, eighteen hundred and sixty-eight, with the Crow Indians, and which provisions were continued in force by the agreement with said Indians ratified and confirmed by the act of Congress, approved April eleventh, eighteen hundred and eighty-two, or any other act or treaty, shall have the right for a period of sixty days to make such selections in any part of the territory by said agreement ceded, and such locations are hereby confirmed: *Provided, further*, That all white persons who located upon said Crow Reservation by reason of an erroneous survey of the boundary and were afterwards allowed to file upon their location in the United States Land Office, shall have thirty days in which to renew their filings, and their locations are hereby confirmed, and that in all cases where claims were located under the mining laws of the United States, and such location was made prior to December first eighteen hundred and ninety, by a locator qualified therefor who believed that he or she was so locating on lands outside the Crow Indian Reservation, such locator shall be allowed thirty days within which to re-locate the said mining claims so theretofore located by them, within the limits of the ceded portion of said Crow Indian Reservation, and upon such re-location such proceedings shall be had as are conformable to law and in accordance with the provisions of this act.

Lands for religious uses.

SEC. 35. That whenever under and by reason of the provisions herein contained, ratifying and confirming agreements with any Indian tribe, the right is reserved to any religious society or organization to purchase lands the subject of such agreement, the price and time and terms of payment thereof may be fixed by the Secretary of the Interior, but not less than that at which the other lands subject to said agreement are sold for.

Lease of school lands in Oklahoma.

SEC. 36. That the school lands reserved in the Territory of Oklahoma by this and former acts of Congress, may be leased for a period not exceeding three years for the benefit of the school fund of said Territory by the governor thereof, under regulations to be prescribed by the Secretary of the Interior.

Division of Oklahoma lands into counties.

Naming counties.

Proviso.
County seats reserved.

SEC. 37. That before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties which shall contain as near as possible not less than seven hundred square miles in each county. In establishing said county line the Secretary is hereby authorized to extend the lines of the counties already located so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county: *Provided further*, That as soon as the county lines are designated by the Secretary he shall reserve not to exceed one-half section of land in each county, to be located near the center of said county, for county seat purposes, to be entered under sections twenty-three hundred and eighty-seven and twenty-three hundred and eighty-eight of the Revised Statutes.

Sections 16 and 36 reserved for schools, etc.

SEC. 38. No provision for settlement on or sale of the lands in the various agreements hereinbefore mentioned shall apply to sections sixteen and thirty-six thereon, which land in the States are hereby granted to the State in which they are situated, for the support of the common schools of such State under the limitations prescribed by law, and such sections in the Territories of the United States are reserved from occupancy, entry, or sale, under any land law of the United States; but this provision shall not apply to mineral land which may be disposed of under the laws applicable thereto.

Mineral lands.

Approved, March 3, 1891.

Mar. 3, 1891.

26 Stat., 1091.

CHAP. 556.—An act granting to the Missoula and Northern Railroad Company the right of way through the Flathead Indian Reservation, in the State of Montana.

Missoula and Northern Railroad Company granted right of way through Flathead Indian Reservation, Mont.

See note to 1872, c. 308, ante, p. 136.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Missoula and Northern Railroad Company, a corporation organized and existing under the laws of the State of Montana, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Flathead Indians, commonly known as the Flathead Indian Reservation, said railroad line beginning at a point at or near the mouth of Jocko River, on the Northern Pacific Railroad, in the county of Missoula, State of Montana, and running thence by the most practicable route to the northern line of the said State of Montana, and more particularly described, as far as extending through said Indian reservation, as beginning at or near the aforesaid mouth of Jocko River, and running thence in a northerly direction to the southern end of Flathead Lake, and thence by the most practicable route, either to the east or west of said lake, in a northerly direction to the said northern boundary of Montana.

Location.

Width.

SEC. 2. That the right of way hereby granted to said railroad company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid, and said company shall also have the right to take from lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction thereof; also ground adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of said road.

Stations, etc.

Compensation.

SEC. 3. That it shall be the duty of the Secretary of the Interior to agree with the Flathead and Confederated tribes on the compensation to be paid them for such right of way, and the time and manner for the payment thereof, but no right of way of any kind shall vest in said railroad company in or to any part of the right of way or station grounds herein provided for until plats thereof, made upon actual survey for the definite location of such road, and including the points for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation agreed on has been paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of

Secretary of the Interior to approve location, etc.

Proviso.
Completion.

the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out the provisions of this act: *Provided*, That the right of way herein granted shall be lost and forfeited by said company unless the road is constructed and in running order through said reservation within three years from the passage of this act: *Provided further*, That when said railroad shall have been constructed to the south end of said Flathead Lake said company may establish a temporary terminal station on the shore of said lake, on grounds not exceeding three thousand feet square, and, pending completion of said railroad, may utilize the waters of said Flathead Lake for transportation purposes.

Station at Flathead Lake.

Amendment, etc.

SEC. 4. That Congress may at any time amend, alter, or repeal this act.

Approved, March 3, 1891.

Mar. 3, 1891.

26 Stat., 1095.

CHAP. 561. An act to repeal timber-culture laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

[26 Stat. 1102.]
Entries on Osage lands confirmed.
See note to 1872, c. 310, ante, p. 137.

SEC. 23. That in all cases where second entries of land on the Osage Indian trust and diminished reserve lands in Kansas, to which at the time there were no adverse claims, have been made and the law complied with as to residence and improvement, said entries be, and the same are hereby, confirmed, and in all cases where persons were actual settlers and residing upon their claims upon said Osage Indian trust and diminished reserve lands in the State of Kansas on the ninth day of May, eighteen hundred and seventy two, and who have made subsequent pre-emption entries either upon public or upon said Osage Indian trust and diminished reserve lands, upon which there were no legal prior adverse claims at the time, and the law complied with as to settlement, said subsequent entries be, and the same are hereby, confirmed.

* * * * * * *

Approved, March 3, 1891.

ACTS OF FIFTY-SECOND CONGRESS—FIRST SESSION, 1892.

Feb. 3, 1892.

27 Stat., 2.

CHAP. 3.—An act to amend an act entitled "An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory."

Hutchison and Southern Railroad Company, right of way.
1890, c. 947, ante, p. 364.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act granting the right of way to the Hutchison and Southern Railroad Company to construct and operate a railroad, telegraph, and telephone line from the city of Anthony, in the state of Kansas, through the Indian Territory, to some point in the county of Grayson, in the state of Texas," approved September twenty-sixth, eighteen hundred and ninety, be, and the same is hereby, amended as follows:

Extension of road from Guthrie, Okla., authorized.

"That said railroad company be, and they are hereby, authorized to extend and operate said road, telegraph and telephone line with like powers and privileges and under like limitations and conditions as are provided in said original act, in a south-easterly or southerly direction from the terminus of said road under said original act, to wit: From its connection with the Santa Fe Railroad at or near the city of Guthrie, in the Territory of Oklahoma, or some point north of there within a distance of twenty miles to the southern boundary of said Indian Territory, at or near a point north of the city of Denison, in the state of Texas.

Time for construction extended.
Post, p. 551.

SECTION 2. That said original act described in section one of this act, and the amendment thereto, shall extend and be in full force and effect for the period of three years from the approval of this amendment or act.

Approved, February 3, 1892.

June 17, 1892.
27 Stat., 52.

CHAP. 120.—An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation.

Klamath River Reservation, Cal.
Post, p. 569.

Opened to settlement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the lands embraced in what was Klamath River Reservation in the State of California, as set apart and reserved under authority of law by an Executive order dated November sixteenth, eighteen hundred and fifty-five, are hereby declared to be subject to settlement, entry, and purchase under the laws of the United States granting homestead rights and authorizing the sale of mineral, stone, and timber lands: *Provided,* That any Indian now located upon said reservation may, at any time within one year from the passage of this act, apply to the Secretary of the Interior for an allotment of land for himself and, if the head of a family, for the members of his family, under the provisions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and, if found entitled thereto, shall have the same allotted as provided in said act or any act amendatory thereof: *Provided,* That lands settled upon, improved, and now occupied by settlers in good faith by qualified persons under the land laws shall be exempt from such allotment unless one or more of said Indians have resided upon said tract in good faith for four months prior to the passage of this act. And the Secretary of the Interior may reserve from settlement, entry, or purchase any tract or tracts of land upon which any village or settlement of Indians is now located, and may set apart the same for the permanent use and occupation of said village or settlement of Indians. And any person entitled to the benefits of the homestead laws of the United States who has in good faith prior to the passage of this act, made actual settlement upon any lands within said reservation not allotted under the foregoing proviso and not reserved for the permanent use and occupation of any village or settlement of Indians, with the intent to enter the same under the homestead law shall have the preferred right, at the expiration of said period of one year to enter and acquire title to the land so settled upon, not exceeding one hundred and sixty acres, upon the payment therefor of one dollar and twenty-five cents an acre, and such settler shall have three months after public notice given that such lands are subject to entry within which to file in the proper land office his application therefor; and in case of conflicting claims between settlers the land shall be awarded to the settler first in order of time: *Provided,* That any portion of said land more valuable for its mineral deposits than for agricultural purposes, or for its timber, shall be entered only under the law authorizing the entry and sale of timber or mineral lands: *And provided further,* That the heirs of any deceased settler shall succeed to the rights of such settler under this act: *Provided further,* That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children.

Provisos.

Allotments to Indians.
Ante, p. 33.

Exemption of settled lands.

Indian villages.

Homestead entries.

Mineral lands.

Rights of settlers' heirs.

Disposal of proceeds.

Approved, June 17, 1892.

July 1, 1892.

27 Stat., 61.

CHAP. 139.—An act to authorize the Secretary of the Interior to carry into effect certain recommendations of the Mission Indian commission, and to issue patents for certain lands.

Preamble.
1891, c. 65, ante, p. 383.

Whereas the act approved January twelfth, eighteen hundred and ninety-one, entitled "An act for the relief of the Mission Indians in the State of California," made it the duty of the commissioners therein authorized to be appointed "to select a reservation for each band or village of the Mission Indians residing within said State, which reservation shall include, as far as practicable, the lands and villages which have been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements;" and

Whereas said commissioners were authorized to appraise the value of the improvements belonging to any person to whom valid existing rights had attached under the public-land laws of the United States, where such improvements were situated within the limits of any reservation selected by the commissioners, subject to the approval of the Secretary of the Interior; and

Whereas it was further provided in said act that, in case any land should be selected to which any railroad company should be entitled to receive a patent, such railroad company should, upon releasing all claim and title thereto and on the approval of the President and Secretary of the Interior, be allowed to select an equal quantity of other land in lieu thereof; and

Whereas no provision was made whereby lands claimed by private persons through titles derived or sought to be derived from railroad companies or other sources than the public-land laws could be so released and exchanged; and

Whereas the commissioners appointed under said act have reported, among other things, that certain lands are in the occupation of Indians and are needed for their use which certain persons have improved, and on which they have developed valuable water rights, expecting to obtain title from the railroad companies or to which they had obtained title from the State of California, and that said persons are willing to exchange said lands for other lands heretofore reserved for the use of the Mission Indians, but which lands are no longer needed for such purpose; and

Whereas the report and recommendations of said commissioners have been approved by the Secretary of the Interior and the President, "except so much thereof as relates to the purchase of lands from and exchange of lands with private individuals which is also approved subject to the condition that Congress shall authorize the same:" Therefore,

Mission Indians, Cal.

Exchange of lands occupied by private persons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and empowered to carry into effect the recommendations of the said Mission Indian commissioners relating to the exchange of lands with private individuals, as the same has been approved by the President, and to cause patents in the usual form to issue for the lands recommended to be given to such individuals in exchange for lands and improvements released and relinquished for the use of the Indians.

Appropriation to purchase lands for Indians.

SEC. 2. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to purchase certain lands and improvements for the use and benefit of said Mission Indians, as approved by said Secretary and the President, and to be applied to such purposes in accordance with the said report of said Mission Indian commissioners as the same has been approved by the President.

Approved July 1, 1892.

July 1, 1892.

27 Stat., 62.

Chap. 140.—An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes.

Colville Indian Reservation, Wash., opened to settlement, 78 Fed. Rep., 785. See post, 570.

Lands set apart for Colvilles.

Post, p. 667.

Proclamation, post p. 1000.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the reservations and allotment of lands in severalty to the individual members of the Indians of the Colville Reservation in the State of Washington herein provided for, all the following described tract or portion of said Colville Reservation, namely: Beginning at a point on the eastern boundary line of the Colville Indian Reservation where the township line between townships thirty-four and thirty-five north, of range thirty-seven east, of the Willamette meridian, if extended west, would intersect the same, said point being in the middle of the channel of the Columbia River, and running thence west parallel with the forty-ninth parallel of latitude to the western boundary line of the said Colville Indian Reservation in the Okanagon River, thence north following the said western boundary line to the said forty-ninth parallel of latitude, thence east along the said forty-ninth parallel of latitude to the northeast corner of the said Colville Indian Reservation, thence south following the eastern boundary of said reservation to the place of beginning, containing by estimation one million five hundred thousand acres, the same being a portion of the Colville Indian Reservation created by executive order dated July second, eighteen hundred and seventy-two, be, and is hereby, vacated and restored to the public domain, notwithstanding any executive order or other proceeding whereby the same was set apart as a reservation for any Indians or bands of Indians, and the same shall be open to settlement and entry by the proclamation of the President of the United States and shall be disposed of under the general laws applicable to the disposition of public lands in the State of Washington.

Proclamation to issue.

Disposition of proceeds.

Sec. 2. That the net proceeds arising from the sale and disposition of the lands to be so opened to entry and settlement shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to time, in such amounts as he shall deem best, in the building of schoolhouses, the maintenance of schools for such Indians, for the payment of such part of the local taxation as may be properly applied to the lands alloted to such Indians, as he shall think fit, so long as such alloted lands shall be held in trust and exempt from taxation, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians.

Settlement under homestead laws.

Rights of Union soldiers, etc.

R. S., secs. 2304, 2305.

Sec. 3. That each entryman under the homestead laws shall, within five years from the date of his original entry and before receiving a final certificate for the land covered by his entry, pay to the United States for the land so taken by him, in addition to fees provided by law, the sum of one dollar and fifty cents per acre, one third of which shall be paid within two years after the date of the original entry; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

Allotments in severalty to Indians.

Sec. 4. That each and every Indian now residing upon the portion of the Colville Indian Reservation hereby vacated and restored to the public domain, and who is so entitled to reside thereon, shall be entitled to select from said vacated portion eighty acres of land, which shall be allotted to each Indian in severalty. No restrictions as to locality shall be placed upon such selections other than that they shall be so located as to conform to the Congressional survey or subdivisions of said tract

Selections.
Titles held in trust.
Ante, p. 33.
Ante, p. 56.
Proviso.
Laws of Washington.

or country, and any Indian having improvements may have the preference over any other person in and to the tract of land containing such improvements, so far as they are within a legal subdivision not exceeding in area the quantity of land that he or she may be entitled to select and locate. All such allotments shall be made at the cost of the United States, under such rules and regulations as the Secretary of the Interior may from time to time prescribe. Such selections shall be made within six months after the date of the President's proclamation opening the lands hereby vacated to settlement and entry, and after the same have been surveyed, and when such allotments have been selected as aforesaid and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the benefit of the allottees, respectively, and afterwards conveyed in fee simple to the allottees or their heirs, as provided in the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, and an act in amendment and extension thereof, approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes:'" *Provided*, That such allotted lands shall be subject to the laws of eminent domain of the State of Washington, and shall, when conveyed in fee simple to the allottees or their heirs, be subject to taxation as other property in said State.

Right of Indians to remain on reservation.

SEC. 5. That all Indians residing in the lands hereby vacated and restored, shall have the right, if they so prefer, under the direction of the Indian agent, to occupy and reside upon such portions of the Colville Indian Reservation not hereby vacated as are not occupied by or in the possession of any other Indian or Indians.

Reservation for Tonasket school.
Provisos.
Limit.
Selection of other lands by Indians.

SEC. 6. That the land used and occupied for school purposes at what is known as Tonasket school, on Bonaparte Creek, and the site of the sawmill, gristmill, and other mill property on said reservation, is hereby reserved from the operation of this act, unless other lands are selected in lieu thereof: *Provided*, That such reserved lands shall not exceed in the aggregate two sections, and must be selected in legal subdivisions conformably to the public surveys, such selection to be made by the Indian agent of the Colville Agency, under the direction of the Secretary of the Interior and subject to his approval: *Provided, however*, That said Indians may, in lieu of said sites or either of them, select other lands of equal quantity, for such purposes, either on the vacated or unvacated portions of said reservation, the same to be designated in legal subdivisions by said Indian agent, under the direction of and subject to the approval of the Secretary of the Interior, in which case said first-designated tracts shall not be exempt from the operation of this act; such selection to be made and approved within six months after the survey of said lands and the proclamation of the President.

Appropriation for making allotments, etc.
Reimbursable.

SEC. 7. That for the purpose of making the allotments and selections in this act provided, including surveys of the lands provided to be vacated and restored to the public domain, thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, which said sum shall be reimbursable from the proceeds of the lands when sold as hereinbefore provided.

Indian title not recognized.

SEC. 8. That nothing herein contained shall be construed as recognizing title or ownership of said Indians to any part of the said Colville Reservation, whether that hereby restored to the public domain or that still reserved by the Government for their use and occupancy.

Received by the President June 20, 1892.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

July 6, 1892.

27 Stat., 83.

CHAP. 150.—An act to authorize the Marinette and Western Railroad Company to construct a railroad through the Menominee Reservation, in the State of Wisconsin.

Marinette and Western Railway Company granted right of way through Menominee Indian Reservation, Wis.

Location.

Proviso.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Marinette and Western Railway Company, a corporation created under and by virtue of the laws of the State of Wisconsin, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railroad, telegraph, and telephone line, running in an easterly and westerly direction, in, on, upon, and through the Menominee Indian Reservation, comprised of township thirty, in ranges thirteen, fourteen, and fifteen, in Shawano County, and township thirty, in range sixteen, Oconto County, State of Wisconsin, with the right to construct, use, and maintain such tracks, turnouts, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds of said railroad herein provided for: *Provided*, That the company shall have the right to adopt the most feasible and practicable route in following the general direction hereinbefore specified: *Provided further*, That said route or right of way shall be located within one and one-half miles from the north line of townships hereinbefore mentioned.

Width.

Stations, etc.

Lands not to be leased or sold.

Reversion.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railroad, telegraph, and telephone line, and for no other purpose, a right of way one hundred feet in width through said Indian Reservation and to take and use a strip of land two hundred feet in width, with the length of three thousand feet, in addition to the right of way, for station purposes, not to exceed one station for every six miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet on each side of said right of way, or so much thereof as may be included in said cut or fill; but no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same was taken.

Damages.

Appraisement. Referees.

SEC. 3. That before said railroad shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian members of said Menominee tribe or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, a majority of whom shall be a quorum for the transaction of business, to be appointed, one by the President, one by the Menominee Indians in general council to which said occupant belongs, and one by the railroad company, who, before entering upon the duties of their appraisement,

Oath.
Substitution on failure to appoint.
Hearing.
Compensation.
Award.
Appeal to district court.
Costs on appeal.
Proceedings.
Proviso.
Payment by railway company.

shall take and subscribe an oath that they will faithfully and impartially discharge the duties of appraisement, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within twenty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member, after due notice; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the judge of the district court for the eastern district of Wisconsin upon application of either party. The person appointed by the President shall be chairman of said board, and shall appoint the time and place of all hearings within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of the cause submitted to them under this act, with mileage at 5 cents per mile. A majority of the board, where all can not agree, may make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court for the eastern district of Wisconsin, having jurisdiction over the place where the land lies, which court shall have jurisdiction to hear and determine the subject matter of the petition according to the laws of the State of Wisconsin for determining damages when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees or a sum equal to said award the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for a less sum than the award made by the referees, then the costs shall be adjudged against the party claiming damages. All proceedings of said district court upon appeal from the award of the referees shall be conducted in the same manner as an original action brought therein, except that the court may direct formal pleadings to be made and served: *Provided*, That all costs of appraisements by referees shall be paid by the railroad company.

Additional compensation to tribes.
Annual rental.
Appeal to Secretary of the Interior by general council.
Provisos.
Award to be in lieu of compensation.
Title to timber.

SEC. 4. That said railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribes through whose lands said line may be located, the sum of fifty dollars per mile for each mile of road constructed and maintained in said Indian reservation, in addition to the compensation provided for in this act for property taken or damages done individual occupants by the construction of said road, to be paid as each five miles of the railroad is graded, and also fifteen dollars per mile per annum, so long as such reservation shall be used and occupied as a reservation by said tribes. If, however, the general council of the Menominee tribe of Indians through whose lands said railroad may be located shall, within four months after the filing of maps of definite location as set forth in section five of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the court upon the same terms, conditions, and requirements as therein provided: *Provided*, That the amount awarded or adjudged to be paid by said railroad company for such dissenting nation or tribe shall be in lieu of the compensation the said nation or tribe would be entitled to receive under the foregoing provision: *Provided*, That the title to all timber on the right of way herein granted shall remain in the Menominee tribe of Indians, and shall be sold and disposed of for the benefit of said Indians, under the direction of the Secretary of the Interior, all such timber to be removed within a reasonable time after the filing of maps of definite location of the right of

Payment for pine timber.

Proceeds from timber sales.

way by said company, and the approval thereof by the Secretary of the Interior, to the end that the company shall not be hindered or delayed in the construction of its road: *Provided*, That all merchantable pine timber on the right of way and depot grounds shall be carefully estimated and appraised by a competent person appointed by the Secretary of the Interior, and said railroad company shall pay or cause to be paid the sum of not less than six dollars per thousand feet, board measure, for each and every thousand feet, together with the expense of estimate and appraisal, said money to be paid to the Secretary of the Interior before the building of said road has been commenced: And *Provided*, That after paying the expense of the estimate and appraisal, the balance of the money derived from the sale of said timber shall be expended by the Secretary of the Interior for the benefit of the Menominee tribe of Indians.

Maps to be filed with Secretary of the Interior and chiefs.

Proviso.

Grading to begin in one year from filing map.

SEC. 5. That said company shall cause maps, showing the route of its located line through said territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the chief or chiefs of said Menominee tribe of Indians through whose lands said railroad may be located, and after the filing of said maps no claim for subsequent settlement or improvement upon the right of way shown by said maps shall be valid against said company: *Provided*, That when a map showing any portion of said railroad's located line is filed as herein provided for, said company shall commence grading said located line within one year thereafter or such location shall be void.

Employees may reside on right of way.

SEC. 6. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside while so engaged upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in conformity with said intercourse laws.

Crossings and bridges.

SEC. 7. That said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railroad, wherever such roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid across the same.

Condition of acceptance.

Proviso.

Violation to forfeit.

SEC. 8. That said Marinette and Western Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise nor assist in any effort looking towards extinguishing or changing the present tenure of the Indians to their lands in said reservation, and will not attempt to secure from the said Indians any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railroad under this act.

Record of mortgages.

SEC. 9. That all mortgages executed by said railroad company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian reservation, shall be recorded in the Department of the Interior, and the record thereof shall be prima facie evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

Not assignable prior to construction.

SEC. 10. That Congress may at any time amend, add to, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction or completion of said road, except as to mortgage or other lien that may be given or secured thereon to aid in the construction thereof.

Charges.

SEC. 11. That said railroad company shall not charge more for the transportation of freight or passengers through said reservation than for like services outside of same.

Approved, July 6, 1892.

July 6, 1892.
27 Stat., 86.

CHAP. 151.—An act supplementary and amendatory to an act entitled "An act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation and for other purposes," approved October first, eighteen hundred and ninety.

Shawnee Indians.
To present all claims against United States and Cherokee.
1890, c. 1249, ante, p. 372.
155 U. S., 180.
1872, c. 157; note, ante, p. 131.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shawnee tribe or band of Indians, whose claims and demands against the Cherokee Nation and the United States were referred to the United States Court of Claims for adjudication under the act of Congress passed and approved October first, eighteen hundred and ninety, entitled "An act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes," shall present to the said court all their claims against the United States and the Cherokee Nation, or against either or both of them, of every description whatsoever, arising out of treaty relations with the United States, rights growing out of such treaties, and from contracts, expressed or implied, under such treaties, made and entered into by and between the said Shawnees and Cherokees, and between them, or either of them and the United States.

Approved, July 6, 1892.

July 13, 1892.
27 Stat., 120.

CHAP. 164.—An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June thirtieth, eighteen hundred and ninety-three, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department for the year ending June thirtieth, eighteen hundred and ninety-three, and fulfilling treaty stipulations with the various Indian tribes, namely:

* * * * * * *

[27 Stat., 122.]
Cherokee Training School, N. C.
Superintendent to act as agent.

The superintendent of the Indian Training School at Cherokee, North Carolina, shall in addition to his duties as superintendent perform the duties heretofore required of the agent at said Cherokee Agency, and receive in addition to his salary as superintendent, two hundred dollars per annum, which sum is hereby appropriated for the purpose, and shall give bond as other Indian agents, and that the office of agent be, and the same is hereby, abolished at that place.

* * * * * * *

Coeur d'Alene.

COEUR D'ALENES.

* * * * * * *

[27 Stat., 124.]
Purchase of land from.
Ante, p. 419.

Upon the consent of the Coeur d'Alene Indians thereto, obtained in a manner satisfactory to the Secretary of the Interior, the following tract of land within the Coeur d'Alene Reservation in Idaho, commencing at a point on the boundary line between the reservation and the ceded lands on the east bank where it crosses the Coeur d'Alene River, and running thence east on said boundary line one-half mile, thence south at right angles to said boundary line one-half mile, thence west at right angles to said south line to the east shore of the Coeur d'Alene Lake, thence north with the shore of said lake to the place of beginning, containing three hundred and twenty acres more or less, is hereby restored to the public domain upon the payment of five dollars per acre into the United States Treasury, said money to be paid by the Secretary of the Interior to said Indians or expended by him for their benefit as desired; said land to be subject to entry only under the town-site laws of the United States: *Provided*, That those who have made settle-

Proviso.

Sales to occupants.

ment thereon prior to the passage of this act shall be permitted to purchase the lots occupied by them at that time at the rate of five dollars per acre.

CROWS.

* * * * * * *

[27 Stat., 126.]
Allotments not to include mining claims, etc.
See note to 1882, c. 74, ante, p. 196.
Settlers.

No right of selection by, or allotment to the Crow Indians of Montana secured by the provisions of section thirty-four of the Indian appropriation act, approved March third, eighteen hundred and ninety-one, shall be so used as to include mining claims nor shall they include lands settled upon, or improvements made by, qualified pre-emptors or homesteaders who were misled to settle on said reservation by reason of an erroneous survey by deputy United States surveyors of the public lands, or of said Crow reservation, and who at the time they so settled there believed their said settlement was not on the said reservation: *Provided*, That nothing herein contained shall be construed to impair any rights acquired under any contract with the Crow Indians heretofore ratified by Congress.

Proviso.
Rights not impaired.

DELAWARES.

Delawares.
Payment for lands sold to Leavenworth, Pawnee and Western Railroad Company.
Vol. 2, p. 803.

The sum of thirty-nine thousand and six hundred and seventy-five dollars and sixteen cents, of which ten thousand seven hundred and fifteen dollars and seventy-five cents shall be paid to individual members of the said tribes for improvements upon lands sold to the Leavenworth, Pawnee and Western Railroad Company under the provisions of the treaty with the Delaware tribe of Indians of date May thirtieth, eighteen hundred and sixty, in accordance with the concluding paragraph of article two of said treaty, and twenty-eight thousand nine hundred and fifty-nine dollars and forty-one cents shall be paid to the individual members of said tribe through whose allotted lands the said Leavenworth, Pawnee and Western Railroad Company secured right of way, in accordance with the concluding clause of article three of said treaty of May thirtieth, eighteen hundred and sixty: *Provided*, That the amount to be paid each member of said tribe claiming indemnity for improvements taken and damages on account of right of way of said railroad company through the allotted lands shall be determined by the Commissioner of Indian Affairs and approved by the Secretary of the Interior. And the Attorney-General is hereby authorized and directed to institute the necessary legal proceedings against the Leavenworth, Pawnee and Western Railroad Company, its successors or assigns, for recovery of the amounts heretofore found by the Department of the Interior to be due from said railroad company, its successors or assigns, under the last paragraph of the second article of the treaty with the Delaware tribe of Indians of May thirtieth, eighteen hundred and sixty, and under the concluding clause of the third article of said treaty, and for damage done the said Indians in the taking and destruction of the property by said railroad company, which sums when recovered shall be used to reimburse the United States for the sum appropriated in the foregoing paragraph.

Proviso.
Determination of amount.
Suit to be entered against railroad company.
Reimbursement.

* * * * * * *

Payment to attorney.

The Secretary of the Interior is hereby authorized to pay out of the common funds belonging to any band or tribe of Indians residing in South Dakota and the band of Santee Sioux of Nebraska the sum of not to exceed one thousand dollars per year for each tribe or band in accordance with the provisions of any contract made by said tribes or bands with any person for services as attorney of such tribe or band, said contract to be first approved by the Secretary of the Interior.

* * * * * * *

[27 Stat., 136.]
Negotiating for surplus lands.

Negotiating with Indians for lands: To enable the Secretary of the Interior in his discretion to negotiate with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress, eleven thousand five hundred dollars: *Provided*, That fifteen hundred dollars thereof, to be immediately available, may be used to enable the Secretary of the Interior, in his discretion, to appoint a commission, to negotiate with the Crow Indians of Montana, for a modification of the agreement concluded with said Indians, December twenty-eighth, eighteen hundred and ninety, and ratified by Congress March third, eighteen hundred and ninety-one, and to pay the necessary and actual expenses of said commissioners: *Provided*, That no such modification shall be valid unless assented to by a majority of the male adult members of the Crow tribe of Indians, and be approved by the Secretary of the Interior.(a)

Provisos.

Commission to Crow Indians, Mont.

Ante, p. 432.
See Annual Report, Commissioner of Indian Affairs, 1894, p. 177.

Consent of Indians.

* * * * * * *

(a) The report of this Commission and the agreement effected by it are as follows:

LIVINGSTON, MONT., *September 14, 1892.*

HON. T. J. MORGAN,
Commissioner of Indian Affairs.

SIR: The Commission appointed to negotiate with the Crow Indians of Montana for a modification of the agreement concluded with said Indians December 8, 1890, and ratified by Congress March 3, 1891, have the honor to submit the following report:

We met at the Crow Agency August 24, 1892. After several preliminary talks with the Indians, the agreement herewith transmitted was entered into with them August 27. Nearly every male adult Indian of the Crow tribe took part in the council. According to the last census there are 666 adult male Crows. The inclosed agreement is signed by 436 Indians. The council ratified the treaty unanimously, and the signature of every adult male Crow could doubtless have been secured by following the Indians to their homes, to which they scattered as soon as the council broke up. The Indians were allowed to choose their own interpreters, and the treaty was carefully explained to them, and seemed to be thoroughly understood. The three days subsequent to the conclusion of the treaty were spent by the Commission in making out and delivering to each Indian named in schedule B, a certificate declaring him entitled to the tract of land, or to a selection within the limits of the tract of land, with which his name is connected in said schedule B. Before the unsurveyed selections in schedule B can be surveyed the public land surveys must be extended over a wide tract of country, involving much time and expense. With the limited means at the command of the Commission, this was impracticable. The Commission is of the opinion that the rights of the claimants named in Schedule B are fully protected by the provisions of the first and second sections of the agreement herewith transmitted. The tracts of land described in Schedule B are so bounded by natural boundaries, or township or sectional lines, as to be readily identified on the ground. There can be no excuse for trespassing upon them should any one be so disposed.

Schedules A and B were compiled from the Crow Land Book; from List A of claims, surveyed by Samuel Bundock, in January, 1891; from List B of allotments made in August, 1890, by J. G. Hatchitt, special allotting agent, and from List C of "Indians who made selections on the ceded part of the Crow Reservation in August, 1890," under the supervision of J. G. Hatchitt.

The following persons assisted in the preparation of said schedules: M. P. Wyman, Crow agent; C. C. Kreidler, additional farmer, district No. 5, which district includes the ceded part of the reserve; Bernard Bravo, the interpreter who accompanied Mr. Hatchitt when the allotments and selections were made, and who is thoroughly familiar with the owner and location of each allotment or selection; and George R. Davis, who has lived among the Indians on the ceded part for many years. When there was the slightest doubt as to the proper location of any Indian claimant, the Indian himself was called before the Commission and questioned through the interpreters.

Schedules A and B were carefully interpreted to the Indians in council, and they were invited to make such alterations or additions as they deem right.

At the request of the Indians the Commission, after due investigation, added the following names to Schedule B: Sees the Lion, Snake Bull, He is a People, Medicine Brings Things, Brings Things Always, Grabs the Knife, Big Eyes, Strikes Her Painted Face, Falls Towards Her, Hunts to Die, Her House is Pretty, The Bird Everywhere, Takes the Rider of a Yellow Horse, The Swallow Bird.

The following-named Indians, included in List C, referred to above, were omitted from Schedule B for the reason that they are dead. The first seven are reported dead

Upper and Middle bands of Spokan.

Agreement with ratified.

Post, p. 738.

Removal to Coeur d'Alene Reservation, etc.

For the purpose of carrying into effect the agreement entered into with the Upper and Middle bands of Spokane Indians,[b] dated March eighteenth, eighteen hundred and eighty-seven, and filed in the office of the Commissioner of Indian Affairs July first, eighteen hundred and eighty-seven, which agreement is hereby accepted, ratified and confirmed, the sum of thirty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as the first installment of the sum of ninety-five thousand dollars mentioned in said agreement; the above amount of thirty thousand dollars to be expended for the benefit of those removing to the Coeur d'Alene Reservation, in the erection of houses, assisting them in breaking land, purchase of cattle, seeds, agricultural implements, saw and grist mills, clothing, subsistence, and so forth.

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by Special Agent Leonard: Gives Things Everywhere (No. 17), Went by the Side of the Enemy (No. 26), Goes to the Camp (No. 30), Kills One Man (No. 42), Little Eyes (No. 86), Walks to the Water (No. 88), Little Old Man (No. 91), Charley Bravo (No. 119), Charley Fisher (No. 120).

Antelope, No. 101, List C, is omitted from Schedule B, as her name appears on schedule A, No. 96.

No such person as Mrs. Peter Hibbart, No. 122, List C, could be found. If there be any such Indian her rights, if any, are, it seems to us, fully protected by section —, severalty act of 1887.

The names of Lucy Morrison, Mary Morrison, Hannah Morrison, and Al. Morrison, jr., Nos. 1 to 4, List C, are omitted from Schedule B for the reason that the survey of the boundary of the reduced reserve disclosed the fact that their claims were on the retained part of the reserve, and not on the ceded portion.

The name of A. M. Quivey was added to Schedule A at the request of the Indians.

Schedules A and B were adjusted to the entire satisfaction of the Crow tribe, and the individual Indians interested therein. They were especially pleased with the issuance of certificates to the Indians named in Schedule B.

By reference to the certificate attached to Schedule B it will be seen that that list meets with the approval of the persons most familiar with the location of the unsurveyed claims on the reserve.

It is the opinion of the Commission that the inclosed treaty equitably adjusts the long-standing dispute as to the number and location of the Indian claims on the ceded part of the reserve, and leaves no room for further controversy in the matter.

The Indians are anxious to have their retained reserve irrigated to the best advantage, and were perfectly willing to transfer the necessary funds from the annuity to the irrigation fund.

They readily comprehended the advantages to be derived from clause 4 of the treaty with regard to interest.

The Indians insisted that all work, whether done by contract or otherwise, should be confined to themselves and the few whites intermarried with them. They seemed to fear that a general contract would be let to some large contractor who would employ mostly white labor.

They also wished the privilege of employing white men to act as foremen.

With the assistance of the educated Indians and mixed-bloods, and the few whites intermarried with them, the Commission believes that the Crows can do all the work required in constructing the proposed ditches.

The Commission presumes the cost of the work could be somewhat lessened by the employment of white labor, under the contract system. It is to be remembered, however, that the money spent belongs to the Indians themselves. Moreover, they are benefited, not only by the money earned, but by the habits of industry acquired. The Commission, therefore, believes that the material advancement of the entire tribe, caused by the employment of Indian labor in the construction of these ditches, will more than compensate for any extra cost.

The mixed-bloods on the ceded part of the reserve expect to remain there permanently, and to become citizens of the United States. They therefore requested that they be permitted to receive the cash value of the various annuity goods to which they may be entitled.

The plats of the survey made in 1891 by Samuel Bundock, for Thomas Kent et al., were of great assistance to the Commission. We recommend that the Government approve the same, and that thereupon Mr. Kent be paid the actual and reasonable cost thereof.

It was found that the selections of nine Indians, alleged to have been made during the sixty days subsequent to March 3, 1891, conflicted with the claims of certain white settlers alleged to be protected by the provisions of section 34 of the act ratifying the treaty of December 8, 1890. These Indians agreed to relinquish their claim

[b] For footnote see page 453.

Turtle Mountain band, Chippewa. Commission to treat with, for lands, removal, etc.

That the President of the United States is hereby authorized to appoint a commission to consist of three persons familiar with Indian affairs, not more than two of whom shall be of the same political party, who shall negotiate with the Turtle Mountain band of Chippewa Indians in North Dakota for the cession and relinquishment to the United States of whatever right or interest they may have in and to any and all land in said State to which they claim title, and for their removal to and settlement upon lands to be hereafter selected and determined upon by the Secretary of the Interior upon the recommendation of the proposed commissioners, subject to the approval of Congress.

Number of Indians, etc., to be reported.

Said commissioners shall also report to the Secretary of the Interior the number of the said Chippewa Indians and the number of Mixed Bloods, if any, who are entitled to consideration by the United States Government; and the sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expense of the proposed negotiations.

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Approved, July 13, 1892.

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to these disputed selections, and take others on the ceded strip in lieu thereof, provided they were paid $50 each as damages for hay and improvements alleged to be owned by them on the disputed claims. The other Indians and the Commission assented to this. The new selections are very much better than the original ones, and the Indians interested are pleased at the exchange.

The Commission trusts the Indian Office will approve of this arrangement, as it removes the last vestige of conflict between whites and Indians as to disputed claims on the ceded strip.

The Indians claim that the former Commission promised that a fence should be built on the west line of the retained reserve to keep out unauthorised stock, and insisted that a provision to that effect be placed in the present treaty.

The members of the Commission were agreeably surprised at the success attained by a number of the Crows in the cultivation of irrigated land. A number of educated Indians and mixed-bloods were noticed fully capable of filling subordinate positions at the agency.

The Commission would respectfully recommend to the Indian Office that these persons be given employment, not so much for the personal benefit of the individuals employed as an inducement for the rising generation of Indians to qualify themselves for like employment.

The Indians complain that the stipulations of the treaty of December 8, 1890, have not been complied with. They especially request that a subagency be built at Pryor Creek and blacksmith and teacher be placed in the shop and schoolhouse already built there. They are also dissatisfied that the ditches are not being built more rapidly. Many Indians and mixed-bloods who desire to take their teams to work on the ditches are unable to do so because the superintendent can not give them employment.

The Commission most respectfully recommends that the stipulations of the treaty of December 8, 1890, be complied with as rapidly as possible, and that the superintendent in charge of irrigation on the Crow reserve be instructed to push the work of building ditches. If the Department can not conveniently furnish him with sufficient skilled employés or plow teams to block out more work, the Commission would recommend that small contracts be let to educated Indians and mixed-bloods, or whites intermarried with them. The Indian contractors could then obtain the necessary help, and teams, and implements themselves.

The Commission is under many obligations to the Crow agent, Maj. M. P. Wyman, and his corps of assistants, as well as to the interpreters employed.

Respectfully submitted.

ELBERT D. WEED.
FELLOWS D. PEASE.
FRED. H. FOSTER.

AGREEMENT WITH THE CROW INDIANS.

CROW AGENCY, MONT., *August 27, 1892.*

We, the undersigned, adult male Indians of the Crow tribe, now residing on the Crow Indian Reservation in the State of Montana, do, on this 27th day of August, A. D. 1892, hereby consent and agree that the agreement entered into by and

CHAP. 329.—An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

July 20, 1892.

27 Stat., 336.

Denison and Northern Railway Company may construct railway, etc., line through Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Denison and Northern Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on Red River, near Denison, in Grayson County, in the State of Texas, and running thence by the most practicable route through the Indian Territory in a northerly direction to the southern boundary of the State of Kansas, at or near Coffeeville, in said State, with the right to construct and operate a branch line of railway, beginning at a point about twenty miles north of Red River, on the main line; thence in a northwesterly direction to a point on the western line of the Indian Territory, at or near where it is crossed by the Canadian River, with the right to construct, use, and maintain such tracks, turn-outs, branches, sidings, and extensions as said company may deem it to their interest to construct.

Location.

Branch line.

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between J. Clifford Richardson, C. M. Dole, and R. J. Flint, commissioners on the part of the United States, and said Indians, on the 8th day of December, A. D. 1890, which agreement was ratified and confirmed by the act of Congress approved March 3, 1891, shall be amended and modified as follows:

First. It is hereby stipulated and agreed that the persons named in the accompanying schedule, marked "A," hereto attached and made a part of this agreement, include all the members of said tribe who are entitled to the benefits of the eleventh section of said agreement of December 8, 1890, and that each of said persons is entitled to the land therein described as his selection, in full satisfaction of his claim under said section, and that the persons named in the accompanying schedule, marked "B," hereto attached and made a part of this agreement, include all the members of said tribe who are entitled to the benefits of the twelfth section of said agreement of December 8, 1890 (and of the proviso of the thirty-fourth section of the act of Congress approved March 3, 1891, extending the privilege of making selections on the ceded lands for a period of sixty days), and that each of said persons therein named is entitled to retain the tract of land heretofore selected by him within the limits of the tract of land therein described as containing his selection of his claim under the said section (or the said proviso); *Provided, however*, that any of such Indians named as above in said schedules "A" or "B" shall have the right, at any time within three years from the 1st day of July, A. D. 1892, to surrender his or her allotment or selection, or the right to make such allotment or selection, and select a new allotment within the limits of the retained reservation upon the same terms and conditions as were prescribed in selecting the first allotment.

It is further provided, That every Indian who shall surrender an allotment or selection within the time specified, having improvements upon it, shall have like improvements made for him upon the new allotment within said retained reservation.

Second. It is hereby stipulated and agreed that all the lands ceded by said agreement may be opened to settlement upon the approval of this agreement by proclamation of the President: *Provided*, That all lands within the ceded tract selected or set apart for the use of individual Indians, and described in the aforesaid schedules "A" and "B," shall be exempt from cession and shall remain a part of the Crow Indian Reservation, and shall continue under the exclusive control of the Interior Department until they shall have been surveyed and certificates or patents issued therefor, as provided in the agreement of December 8, 1890, or until relinquished or surrendered by the Indian or Indians claiming the same: *Provided further*, That such lands shall be described as set forth in said schedules "A" and "B," and shall be exempted from settlement in the proclamation of the President opening the ceded lands, and that where lands so set apart are not described by legal subdivisions then the township or section, or tract of land within whose limits such Indian selections are located, shall not be opened to settlement until the Indian allotments therein contained shall have been surveyed and proper evidence of title issued therefor: *Provided, however*, That whenever all of the Indians entitled to selections within the limits of a particular township or section or tract of land, described in said schedule "B," shall have relinquished the right to take selections therein, as above provided, then that particular township or section or tract of land shall be thrown open to settlement: *Provided further*, That whenever any of the Indians named in schedule "A" shall have relinquished the allotment therein described as

Right of way.

Addition for stations, etc.

Provisos.
Limit.
Lands not to be sold, etc.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

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belonging to him, the said allotment so relinquished shall be subject to settlement in the same manner as other lands upon the ceded part not exempted from this cession.

Third. It is hereby stipulated and agreed that the sum of $200,000 may be taken from the funds of $552,000 set aside as an annuity fund by the eighth section of the agreement of December 8, 1890, and added to the fund of $200,000 set apart by the first section of said agreement, to be expended under the direction of the Secretary of the Interior in the building of dams, canals, ditches, and laterals for purposes of irrigation in the valleys of Big Horn and Little Horn Rivers, and on Pryor Creek, and such other streams as the Secretary of the Interior may deem proper, and that not exceeding $100,000 may be expended annually for such purpose: *Provided*, That in case that less than $100,000 has been, or may be, expended for such purpose in any one year, the difference may, in the discretion of the Secretary of the Interior, be expended in any year or years thereafter in addition to the said sum of $100,000: *Provided further*, That in the construction of such dams, canals, ditches, and laterals, no contract shall be awarded, or employment given, to other than Crow Indians or whites intermarried with them, except that any Indian employed in such construction may hire white men to work for him if he so desires: *Provided*, That nothing herein contained shall be construed to prevent the employment of such civil engineers or other skilled employés as may be necessary.

Fourth. It is hereby stipulated and agreed that the balance of the annuity fund provided for in section 8 of the agreement of December 8, 1890, remaining unexpended at the date of the approval of this agreement shall be placed in the Treasury of the United States to the credit of the Crow Indians, and bear interest at the rate of 5 per cent per annum, which interest, together with a sufficient portion of the principal to give each Indian an annual annuity of $12, shall be paid to said Indians per capita in cash semiannually.

Fifth. It is hereby stipulated and agreed that all persons of mixed blood named in the said schedules "A" and "B" shall, if they so desire, have the privilege of receiving, instead of the annuities to which they may be entitled as members of the Crow tribe, the cash value thereof directly from the Secretary of the Interior.

Sixth. It is hereby stipulated and agreed that the Secretary of the Interior may, in his discretion, out of any moneys appropriated or set apart for the purpose of surveying allotments upon the Crow Indian Reservation, or the part thereof ceded by the treaty of December 8, 1890, pay to one Thomas H. Kent, of the State of Montana, the sum of money, not exceeding the sum of $2,007.20, actually expended by the said Kent in causing to be made the survey known as the Bundock survey, made at the solicitation of the said Kent and others by one Samuel Bundock during the month of January, 1891, within the limits of townships 1 north and 1, 2, 3, 4, 5, and 6 south, of ranges 13 to 21 east, inclusive, in the State of Montana, a map or plat of which survey has been filed in the office of the Commissioner of Indian Affairs, and marked as follows: "11022. Indian Office. Inclos. No. 1892."

Seventh. It is hereby stipulated and agreed that in consideration of the relinquishment by the following-named Indians of their claim to selections on Stillwater and Fish Tail creeks, each of said Indians shall be paid the sum of $50 out of the fund provided for in the eleventh section of the agreement of December 8, 1890: The Woman, Bird comes from Afar, The Sheep's Child, Pretty Woman, Mother's Baby, Black Bull, Falls Towards Her, Strikes Her Painted Face, and Charley Bravo.

Eighth. It is hereby stipulated and agreed that the Secretary of the Interior may, in his discretion, furnish to the Crow Indians the necessary wire and staples with which to fence the western boundary line of the Crow Indian Reservation, and

Damages.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be re-

Referees.

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deduct the cost of the same from any moneys received by said Indians from grazing leases on said reservation.

Ninth. The existing provisions of all former treaties and agreements, not inconsistent with this agreement, are hereby continued in force.

Tenth. This agreement shall take effect upon its approval by the Secretary of the Interior.

[Schedules "A" and "B" referred to in the agreement and made a part thereof, filed in the Indian Office—file mark, "38068—1892."]

[Reference for note [b] on page 449.]

[b] This agreement is as follows:

AGREEMENT WITH SPOKAN INDIANS.

Articles of agreement made and concluded at Spokane Falls, in the Territory of Washington, the 18th day of March, eighteen hundred and eighty-seven, by and between John V. Wright, Jarred W. Daniels, and Henry W. Andrews, commissioners duly appointed and authorised, on the part of the United States, and the undersigned, chiefs, head-man, and other Indians of the Upper and Middle bands of Spokane Indians, they being authorised to act for said bands by them.

ARTICLE 1.

The aforesaid bands of Spokane Indians hereby cede to the United States all right, title, and claim which they now have, or ever had, to any and all lands lying outside of the Indian reservations in Washington and Idaho Territories, and they hereby agree to remove to and settle upon the Cœur d'Aléne Reservation in the Territory of Idaho.

ARTICLE 2.

It is further agreed by the parties hereto, that said Indians will be permitted to select their farms and homes on a tract of land to be laid off and surveyed and the boundaries marked in a plain and substantial manner under the direction of the Secretary of the Interior, on said Cœur d'Aléne Reservation, provided that in laying out said tract of land, the lands taken and occupied by the Indians now on said Cœur d'Aléne Reservation shall not be interfered with; and it is further agreed that said Spokane Indians will take lands in severalty under and according to an act of Congress entitled "An act to provide for the allotments of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," which act was passed and approved during the second session of the Forty-ninth Congress, and is known as the allotment act.

ARTICLE 3.

It is further agreed that the homes and lands selected, as provided for in the foregoing article, are to be and remain the permanent homes of the Indians, parties hereto, and their children forever.

ARTICLE 4.

It is further agreed that in case any Indian or Indians, parties hereto, have settled upon any of the unoccupied lands of the United States outside of said reservation, and have made improvements thereon with the intention of perfecting title to the same under the homestead, preemption, or other laws of the United States, and residing on the same at the date of the signing of this agreement, he or they shall not be deprived of any right acquired by said settlement, improvement, or occupancy by reason of signing this agreement or removal to said Cœur d'Aléne Reservation, and

Substitution on failure to appoint.

Hearings.

Compensation.

turned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of any United States court in the Indian Territory, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted

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said tract or tracts of land shall continue to be held by said parties, and the same patented to them by the United States.

ARTICLE 5.

In consideration of the foregoing cessions and agreements the United States agrees to expend for the benefit of said Indians, parties hereto, the sum of ninety-five thousand dollars, as follows, to wit: For the first year, thirty thousand dollars; for the second year, twenty thousand dollars, and for each succeeding year thereafter for eight (8) years, five thousand dollars, said money to be expended under the direction of the Secretary of the Interior in the removal of the said Indians to the Cœur d'Aléne Reservation, in erecting suitable houses, in assisting them in breaking lands, in furnishing them with cattle, seeds, and agricultural implements, saw and grist mills, thrashing machines, mowers, clothing, provisions, in taking care of the old, sick, and infirm; in affording educational facilities, and in any other manner tending to their civilization and self-support: *Provided*, That in case any of the money herein provided for is not used or expended in any year for which the same is appropriated, said money shall be deposited in the Treasury of the United States to the credit of the Indians, parties hereto, to be used for their benefit under the direction of the Secretary of the Interior.

ARTICLE 6.

It is further agreed that in addition to the foregoing provisions the United States shall employ and furnish a blacksmith and a carpenter to do necessary work and to instruct the Indians, parties hereto, in those trades.

ARTICLE 7.

It is further agreed that in the employment of carpenters, blacksmiths, teamsters, farmers, or laborers, preference shall in all cases be given to Indians, parties hereto, who are qualified to perform the work or labor.

ARTICLE 8.

In order to encourage said Indians in taking allotments of land, and in preparing the same for cultivation, it is agreed that when all of said Indians shall have selected and shall have broken five acres or more on each farm, the sum of $5,000 in money shall be given them out of the funds herein provided and distributed pro rata among them, provided that in the discretion of the Secretary of the Interior and the Commissioner of Indian Affairs, a pro rata payment out of said fund may be made to any ten families who shall have complied with the provisions of this article as to breaking land.

ARTICLE 9.

In consideration of the ages of Chiefs Louis, Spokane Garry, Paul Schulhault, Antarchan, and Enoch, the United States agrees, in addition to the other benefits herein provided, to pay to each of them for ten years the sum of $100 per annum.

ARTICLE 10.

In case any Indian or Indians, parties hereto, shall prefer and elect to remove either to the Colville or Jocko reservations instead of the Cœur d'Aléne Reservation, and shall give reasonable notice of the same, after the ratification of this agreement by Congress, he or they shall be permitted to do so, and shall receive a pro rata share of all the benefits provided for in this agreement.

ARTICLE 11.

This agreement shall not be binding upon either party until the same is ratified by Congress.

Costs.

Appeal.

Costs on appeal.

Work may begin on depositing double award.

to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to any district court in the Indian Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway.

Freight charges.

Proviso.
Passenger rates.
Regulation.

Maximum.

Mails.

SEC 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate, at all times, the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation.

Proviso.
Appeal by general councils.

Award to be in lieu of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu

Annual rental.

of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Taxation.

Survey.

Maps to be filed.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chiefs of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Proviso.
Grading to begin on filing map.

Employees to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said railway shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Construction.
1896, c. 213, post, p. 592;
1898, c. 102, post, p. 635.

SEC. 8. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Crossings, etc.

Condition of acceptance.

SEC. 9. That the said Denison and Northern Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land, or it soccupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Violation to forfeit.

Record of mortgages.

SEC. 10. That all mortgages executed by said railway company conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.
No assignment before construction.

SEC. 11. That Congress may at any time amend, add to, or alter this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the railway except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, July 30, 1892.

CHAP. 376.—An act for the relief of the Eastern Band of Cherokee Indians.

Aug. 4, 1892.
27 Stat., 348.

Eastern Cherokee, North Carolina.
Payment of taxes.
See note to 1872, c. 157, ante, p. 181.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to use so much of the fund to the credit of the Eastern Band of Cherokee Indians located in the State of North Carolina on the books of the Treasury as may be necessary for the payment annually of taxes upon such of their lands as are held in common, and also for the payment of the taxes that have already accrued, and for which the said lands were sold, together with costs incurred upon conveyance of purchasers of said lands to said Eastern Band of Cherokee Indians.

Sales of timber revoked.

All orders or provisions for the sale of timber on said lands to pay the accrued taxes and incumbrances on the same are hereby revoked.

Approved, August 4, 1892.

RESOLUTION No. 6.—Joint resolution construing article four of the agreement with th Citizen Band of Pottawatomie Indians in Oklahoma Territory and elsewhere.

Apr. 6, 1892.
27 Stat., 394.

Preamble.
See note to 1878, c. 200, ante, p. 176.

Whereas the provisions of the articles of agreement by and between the United States and the Citizen Band of Pottawatomie Indians, residing in Oklahoma Territory and elsewhere, ratified by Congress March 3, 1891, requires that large sums of money be paid to them in said tract of country which is construed to mean said Territory of Oklahoma; and

Whereas many members of said band of Indians reside in Kansas who through age, poverty, and sickness suffer great hardships by being compelled to go to said Territory to receive their payments: Therefore

Citizen Band, Potawatomi Indians.
Payments may be made to them in Kansas.
Ante, p. 411.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That article four of said agreement be, and the same is hereby, construed so as to authorize the Secretary of the Interior in his discretion to direct the proper officers of the Department of the Interior to make the payments, as they fall due, to the members of said band residing in Kansas at some point in their original reservation in said State as will accommodate the greatest number of said Indians.

Approved, April 6, 1892.

ACTS OF FIFTY-SECOND CONGRESS—SECOND SESSION, 1893.

CHAP. 32.—An act granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoir and canals through the Umatilla Indian Reservation in the State of Oregon.

Jan. 12, 1893.
27 Stat., 417.

Blue Mountain Irrigation and Improvement Company.
Purchase of lands on Umatilla Indian Reservation for reservoir and dam authorized.
Note, 1882, c. 282, ante, p. 209.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Blue Mountain Irrigation and Improvement Company, a corporation organized and existing under the laws of the State of Oregon, may purchase so much of sections one (1) and two (2) in township one (1) south of range thirty-three (33) east Willamette meridian, in the Umatilla Indian Reservation in the State of Oregon, as may be required by said company for the purpose of a reservoir, dam and grounds accompanying, Right of way for irrigating canal.

Location.

Supplying water.

Commissioners to determine agreement.

Expenses.

out of lands allotted to or which may have been selected for allotment by any Indians, if said company shall be able to agree with the Indian owners or allottes thereof upon the terms of such sale and the Secretary of the Interior shall approve and ratify the same; but the said company shall have no right to compel the sale by any Indian owner or allottee of any lands for the purposes of reservoir or dam, or accompanying grounds. And said company may also take of the lands in said sections one and two in said reservation which have not yet been allotted, so much additional land as shall be required for the purposes of a reservoir and dam and necessary grounds appurtenant thereto, upon making payment as hereafter provided in respect to the right of way. And upon and after acquiring by purchase as aforesaid, with the approval of the Secretary of the Interior, the necessary grounds for reservoir and dam, the right of way is hereby granted to said Blue Mountain Irrigation and Improvement Company for a main ditch or canal to commence at a point on McKay Creek north, six degrees west of corner to sections one, two, eleven and twelve, township one south, range thirty-three east, Willamette meridian, thence running across said Indian reservation to the city of Pendleton, and to the Umatilla River, with the right to divert the waters of McKay Creek and its tributaries and for such other purposes to construct and maintain reservoirs, dams, flumes, ditches, and such other structures and devices as may be necessary for storing, conveying, and distributing water at such points as said company may desire to use the same. But all the rights herein granted are upon the express condition that during their continuance, the grantees or their assigns shall furnish to occupants of said lands on said reservation, so situated as to be capable of irrigation or supply from any ditch constructed by them hereunder, water sufficient for purposes of agricultural and domestic uses and irrigation under such rules and regulations and on such terms as the Secretary of the Interior shall prescribe, and shall not divert or diminish the volume of water in said streams or exhaust either of them, so far as to impair vested rights, or to hinder, or prevent the occupants of lands on said reservation from the full enjoyment of said streams either for power, irrigation, or domestic purposes. For the purpose of determining the fairness of any agreement of sale negotiated with any of said Indian owners or allottees, and the wisdom of their making such sale to said company, the Secretary of the Interior shall appoint such commissioners, not exceeding three in number, as he shall think fit, to personally inquire into and report to him the facts in respect to said matter, and he shall approve and ratify or disapprove any such agreement as he shall think the best interests of the Indians may require; and all expenses attending such inquiry shall be paid by the said Blue Mountain Irrigation and Improvement Company, security for the payment of which may be required in advance by the Secretary of the Interior.

Right of way.

Material, etc.

Compensation to Indian allottees.

SEC. 2. That the right of way to said company shall be fifty feet in width on each side of the center line of said ditch or canal, together with the ground adjacent to the said right of way for distributing ditches not exceeding ten acres in the aggregate for every ten miles of said ditch or canal. The company shall also have the right to enter upon lands adjacent to said canal or reservoir to take therefrom material, stone, earth, or timber necessary for the construction of said dam, ditch, or canal. But no land belonging to any Indian owner in severalty, or which shall have been selected for allotment by any Indian, shall be taken by the said company, nor shall the company have a right to take therefrom any material, stone, earth, or timber except by agreement with the said Indian owner approved by the Secretary of the Interior, or by first making compensation for the same, and any injury thereby caused to other lands of such Indian owner or allottee, to be determined by the Secretary of the Interior, after appraisal in the manner provided in section one of this act.

Commissioners to fix compensation for right of way, etc.

SEC. 3. That the Secretary of the Interior may appoint three commissioners to fix the amount of compensation to be paid the Indian owners or allottees for right of way for the said main ditch or canal of the said company, which shall include the value of the land taken therefor and all damages to other lands of such owner or allottee caused by such taking; and also to fix the amount of compensation to be paid for any lands of the tribe, not allotted or selected for allotment by individuals which may be required by the said company for reservoir and dam and adjacent grounds or for right of way or for distributing ditches, which shall be fixed upon the same principle; and such compensation and damages shall be ascertained and adjusted and all surveys made pursuant to such regulations as the Secretary of the Interior shall prescribe, and shall be in all cases subject to his approval. In case of inability or refusal of any commissioner to act or continue in service, after appointment, the Secretary of the Interior shall by appointment supply such vacancy or vacancies so caused. The Secretary of the Interior shall fix the compensation of such commissioners, not exceeding that allowed to the commissioners appointed under the provisions of an act of Congress entitled "An act providing for the allotment of lands in severalty to the Indians residing upon the Umatilla Indian Reservation in the State of Oregon, and granting patents therefor, and for other purposes," approved March third, eighteen hundred and eighty-five, and the same shall be paid by the said Blue Mountain Irrigation and Improvement Company and the Secretary of the Interior may require security for the payment thereof in advance of their appointment. The consent of the Indians upon said reservation to the granting of this right of way and the diversion of the water necessary to the accomplishment of the purposes of said company shall be obtained by the said company in such manner as the Secretary of the Interior shall prescribe, before any right of way under this act shall accrue to this company. In all cases, all lands which have been selected by any individual Indians upon said reservation for allotment, shall be treated and regarded for the purposes of this act as belonging to such Indian allottee; but the Secretary of the Interior may hold any moneys agreed to be paid, or awarded to him, in compensation for lands sold or taken, or injuries resulting, until the approval by him of the allotment and the issuance of patent therefor; but the same shall then be paid over to, or invested for, such Indian owner as the Secretary of the Interior in his discretion may see fit. Payment for land in said reservation held by the Indians of said tribe in common, and of all damages awarded to them by reason of the construction of the dam and reservoir, ditch or canal, are to be made to the confederated tribe in common occupying the reservation under the direction of the Secretary of the Interior.

Vacancies in commission.

Compensation.

Ante, p. 224.

Consent of Indians

Payment to Indian allottees.

Payment to tribe.

No assignment before completion.

SEC. 4. That said company shall not assign, transfer, or mortgage its rights of way for any purpose whatever until the said canal shall be completed except however that the company may mortgage said franchise for the purpose of raising money to construct said reservoir and canals: *Provided*, That the right herein granted shall be lost and forfeited by said company unless the canal is constructed across the reservation within three years from the passage of this act.

Proviso. Construction.

Surveys.

SEC. 5. That the right of immediate entry upon the lands of said reservation for the purpose of making surveys of the line of the ditch or canal of said company is hereby granted, but no right of any kind in or to any part of the right of way or other grounds above mentioned shall vest in said company until plats thereof, made upon actual survey for the definite location of said ditch or canal, including the points for dams, reservoirs and distributing ditches, with the amount of ground requisite for such purposes, shall be filed with the Secretary of the Interior, and until the compensation for said lands and for the services of said commissioners has been fixed and paid.

Forfeiture.

SEC. 6. That any failure in the performance of the conditions prescribed in this act shall be taken and deemed to work a forfeiture of the rights herein granted, without any act of Congress or judgment of court declaring the same.

Amendment, etc.

SEC. 7. That the right to alter, amend, or repeal this act is hereby reserved.

Approved, January 12, 1893.

Jan. 20, 1893.
27 Stat., 420.

CHAP. 39.—An act granting to the Yuma Pumping Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona.

Yuma Pumping Irrigation Company granted right of way through Yuma Indian Reservation, Ariz.
Post, p. 461.
Location.
Branch.
Proviso.
Width.
Secretary of the Interior to approve plats, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted unto the Yuma Pumping Irrigation Company, incorporated under the laws of Arizona, its successors and assigns, a right of way one hundred feet wide, the center line of which right of way shall commence on the bank of the Colorado River, three hundred feet west of the east line of the Yuma Indian Reservation, in Arizona (formerly the Fort Yuma military reservation); thence running westerly along said bank to the center of the angle of the flume of said company; thence following the center of the ditch of said company to the boundary line of the said reservation. Also, there is hereby granted unto said corporation, its successors and assigns, a right of way two hundred feet wide across said reservation in Arizona, the center line of which shall commence at low water of the Colorado River, one hundred and fifty feet westerly of the east line of the said reservation; thence running in a southerly direction to and crossing the west line of said reservation one hundred and fifty feet, more or less, north of the southwest corner of said reservation: *Provided*, That for the distance of two hundred and fifty feet from the point of beginning on said river said right of way shall be three hundred feet in width. The plats of the ditches of said company through said reservation shall be subject to the approval of the Secretary of the Interior, and such ditches shall not be so located or the rights of way herein granted so used as to in any manner interfere with any permanent building upon said reservation, except with the express assent of said Secretary of the Interior.

Condition.

SEC. 2. That the rights herein granted are upon the express condition that the grantee or grantees thereof shall, at all times during the continuance thereof, furnish the Indian occupants of the lands situated south of and under either of said ditches, and within said reservation as now bounded, water sufficient for all domestic and agricultural purposes, and purposes of irrigation, on such terms, and under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Amendment, etc.

SEC. 3. That this act shall take effect and be in force from and after its passage, but the right to amend or repeal it at any time is hereby reserved to Congress.

Approved, January 20, 1893.

Jan. 28, 1893.
27 Stat., 426.

CHAP. 52.—An act to authorize the Court of Claims to hear and determine the claims of certain New York Indians against the United States.

New York Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the Court of Claims to hear and enter up judgment as if it had original jurisdiction of said case, the claim of the New York Indians, being those Indians who were parties to the treaty of Buffalo Creek, New York, on the fifteenth of January, eighteen hundred and thirty-eight, against the United States, growing out of the alleged unexecuted stipulations of said treaty on the part of the United States. In the hearing and adjudication of said case said court may proceed upon the finding of facts already made, upon a reference of said claim to said court, filed on the eleventh day of January, eighteen hundred and ninety-two, and transmitted to Congress by John Randolph, assistant clerk of said court, on the sixteenth day of January, eighteen hundred and ninety-two. Or said court may, if in its opinion justice so requires, take other testimony as to facts. But in any judgment it may render against the United States, in favor of said claimants, interest shall not be allowed. The statute of limitations shall not be pleaded as a bar to recovery in said case. The Attorney-General is hereby directed to appear in behalf of the United States in said case. And from any judgment rendered by the court, either party may appeal to the Supreme Court of the United States. Said cause shall be advanced on the docket and tried without delay in any court which shall become invested with jurisdiction thereof by the provisions of this act.

Claim to be tried in Court of Claims.
30 Ct. of Cls., 413.
Vol. 2, p. 502, 170 U.S., 1; 173 U.S., 464.
Proceedings.
Interest not allowed.
Bar of limitation raised.
Attorney-General to appear for Government.
Appeal.
Advancement.

Approved, January 28, 1893.

Chap. 120.—An act granting right of way to the Colorado River Irrigation Company through the Yuma Indian Reservation in California.

Feb. 15, 1893.

27 Stat., 456.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted unto the Colorado River Irrigation Company, incorporated under the laws of the State of Colorado, its successors and assigns, a right of way for an irrigating canal through the Yuma Indian Reservation in California to the extent of the ground occupied by the water of the canal and its adits and laterals, and fifty feet on each side of the marginal limits thereof, beginning at a point near where the northeast boundary line of the said reservation joins the Colorado River and running thence south and west through the said reservation to and beyond the limits thereof. The plats of the ditches of said company through said reservation shall be subject to the approval of the Secretary of the Interior, and such ditches shall be so located, or the rights of way herein granted so used, as to not in any way interfere with any permanent buildings upon said reservation, except with the express consent of the Secretary of the Interior.

Colorado River Irrigation Company granted right of way through Yuma Indian Reservation, Cal.
Ante, p. 460.
Post, p. 545.
Secretary of the Interior to approve plats, etc.

Sec. 2. That the rights herein granted are upon the express condition that the grantee or grantees thereof shall at all times during the continuance thereof furnish the Indian occupants of the land situated on the lower side of the canal with water sufficient for all domestic and agricultural purposes and purposes of irrigation on such terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Conditions.

Sec. 3. That this act shall take effect and be in force from and after its passage; but the right to amend or repeal it at any time is hereby reserved to Congress.

Amendment, etc.

Approved, February 15, 1893.

Feb. 20, 1893.

27 Stat., 465.

CHAP. 144.—An act to grant to the Gainesville, Oklahoma and Gulf Railway Company a right of way through the Indian Territory, and for other purposes.

Gainesville, Oklahoma and Gulf Railway Company may construct railway, etc., line through Indian Territory.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Gainesville, Oklahoma and Gulf Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point to be selected by said company on Red River, north of the west part of Cooke County, in the State of Texas, and running thence by the most practicable route, through the Indian Territory and Oklahoma in a northwesterly direction to a point on the southern boundary of the State of Kansas.

Right of way

Addition for stations.

Provisos.

Limit.

To be used solely for purposes granted.

SEC. 2. That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the Gainesville, Oklahoma and Gulf Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Referees.

Appeal.

Work may begin on depositing double award.

Payment to referees.

Fees and costs.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees to be appointed by the President of the United States, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the courts, where the case shall be tried de novo. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned, and proceed with the construction of the railroad. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award and be paid by such railroad company.

Freight charges.
Passenger rates.
Regulations.
Proviso.
Maximum rates.
Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind, provided that passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory, within the limits of which said railway or part thereof shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freight within their respective limits by said railway, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rates of such transportation of passengers, local or interstate, shall not exceed those above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.
Annual payment.
Proviso.
Additional taxes.
Appeal by general council.
Award to be in lieu of compensation.
Taxation.
Payment to allottees.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of fifty dollars, in addition to compensation provided for by this act for property taken or damage done by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded. Said company shall also pay, as long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as their lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit: *Provided further*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of land, with the right to appeal to the courts upon the same terms, conditions, and requirements as herein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the provisions of this section. Nothing in this act shall be construed to prohibit Congress from imposing taxes upon said railway, nor any Territory or State hereafter formed through which said railway shall have been established from exercising the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act: *Provided further*, That if said right of way shall pass over or through any land allotted to an Indian in accordance with any law or treaty it shall be the duty of the Secretary of the Interior to provide for obtaining the consent of such allottee or allottees to said right of way and to fix the amount of compensation to be paid such allottees for right of way and for damages sustained by them by reason of the construction of the road; but no right of any kind shall vest in said railway company to any portion of said right of way passing over or through any allotted lands until the compensation herein provided for shall be fixed and paid.

Maps to be filed.

SEC. 6. That said railway company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railways may be located; and after the filing of said maps no claim for subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void as to any occupant thereof.

Proviso.
Work may commence on filing map.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction, operation, and management of said road and telegraph and telephone lines shall be allowed to reside while so engaged upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, the district of Kansas, and such other courts as may be authorized by Congress shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Gainesville, Oklahoma and Gulf Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Construction.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, or this grant shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That said Gainesville, Oklahoma and Gulf Railway Company shall accept this right of way upon express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Violation to forfeit.

Record of mortgage.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, February 20, 1893.

Feb. 20, 1893.

27 Stat., 468.

CHAP. 145.—An act to ratify and confirm agreement between the Puyallup Indians and the Northern Pacific Railroad Company for right of way through the Puyallup Indian Reservation.[a]

Puyallup Indians. Agreement with Northern Pacific Railroad Company ratified.

Right of way.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement dated November twenty-first, eighteen hundred and seventy-six, made between J. W. Sprague, superintendent of the Pacific division of the Northern Pacific Railroad Company, on behalf of said Company, and R. H. Milroy, then agent in charge of the Puyallup Indian Reservation, on behalf of the Indians occupying the same, a copy of which is on file in the office of the Secretary of the Interior, under the terms of which said Indians granted said railroad company right of way through said reservation for its Cascade Branch, which said agreement was assented to and approved by said Indians, as evidenced by a certain memorandum in writing, bearing date November twenty-third, eighteen and seventy-six, signed by the chiefs and headmen of the Puyallup tribe of Indians, also on file in the office of the Secretary of the Interior, which said last-mentioned agreement was approved by the Commissioner of Indian Affairs December fourteenth, eighteen hundred and seventy-six, and by the Secretary of the Interior April thirteenth, eighteen hundred and seventy-seven, be, and the same is

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[a] This agreement, which is not set forth in the statutes, is given in the Report of the Commissioner of Indian Affairs for 1894, as follows:

AGREEMENT WITH PUYALLUP INDIANS.

This article of agreement made and entered into by and between J. W. Sprague, general superintendent of the Pacific Division of the Northern Pacific Railroad Company, on behalf of said company, and R. H. Milroy, agent in charge of the Puyallup Indian Reservation, on behalf of the Indians of said reservation,

Witnesseth, That said R. R. Co., being desirous of locating and constructing a branch line of their said R. R. from New Tacoma to the Puyallup coal fields, which said branch line must pass through said reservation, and the right of way through said reservation being desired for the permanent location and construction of said branch line, said Sprague hereby agrees, on behalf of said R. R. Co., and binds the same in consideration of the Indians of said reservation, through their chiefs and head men, giving their consent to said right of way to the following stipulations, to wit: 1st. To pay reasonably for all damages that may be occasioned to improvements on said reservation by the construction and permanent right of way of said branch line through said reservation.

2nd. To construct at some convenient point upon said branch line within the limits of said reservation, where it will be of the most benefit to the same, a switch in connection with a side track of practicable length, with the right to said Indians to have a warehouse or depot constructed adjoining said side track, at which the passing trains of cars on said branch line will stop for the shipment of passengers and freight.

3rd. That during the construction of said branch line preference will be given in the employment of Indian laborers, over white and Chinese laborers, when the Indian laborers will perform the work required to be done as well and as cheaply as it would be done by white or Chinese laborers.

4th. That during the construction of said branch line through said reservation no intoxicating liquors of any kind shall be brought within the limits of said reservation by any of the employés of said R. R. Co., or be allowed to be used within said limits by any of its laborers, and that after the completion of said branch line no intoxicating liquors of any kind shall be taken out of the cars within the limits of said reservation to be delivered to Indians or be allowed to be used within said limits by persons engaged in operating or keeping said line in repair.

5th. That during the construction of said branch line through said reservation no drunken, disorderly, or grossly immoral men shall be employed as laborers by said

Proviso. Condition. hereby, ratified and approved. *Provided*, The said company, shall comply with all the terms and stipulations of said agreement, and maintain in proper condition all buildings, structures, and ways provided for therein.

Branch. SEC. 2. That there be, and is hereby, granted to the Northern Pacific Railroad Company a right of way not exceeding sixty feet in width through the Puyallup Indian Reservation, for a spur one thousand three hundred and seventy-eight feet in length from a point on the Cascade branch of said railroad company now constructed through said reservation to the western boundary thereof, according to the map thereof filed by said railroad company in the office of the Commissioner of Indian Affairs June twenty-seventh, eighteen hundred and eighty-eight, upon the following terms and conditions, viz:

Fences. First. That said railroad company shall erect and maintain on either side of said right of way a good lawful fence so as to protect stock in the fields on either side thereof.

Water gate. Second. That said railroad company shall put in and keep in order a water gate at the point where the wagon road now being used and maintained across said reservation will cross said spur when constructed, in order to allow the water to escape, and also to keep the salt water from coming in during high tide.

Gates, etc. Third. That said railroad company shall construct and maintain gates in its right of way, fences at the point where said wagon road crosses the right of way herein granted for said spur, and construct and maintain a wagon road crossing between said gates.

Payments. Fourth. That said railroad company shall pay the Indians for the right of way so taken for said spur such sum, not less than one thousand five hundred dollars per acre, as may be determined by the Secretary of the Interior to be right and proper; and that it shall be the duty of the Secretary of the Interior, within thirty days after the approval of this act, to prescribe the time and manner for the payment thereof.

Approved, February 20, 1893.

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co., nor shall such men be brought and permitted by said co. to stop within the limits of said reservation for any purpose that is within the control of said co., nor shall such men after the completion of said branch line be employed within the limits of said reservation in operating or in keeping said line in repair.

6th. That a plain, palpable violation of any of the foregoing stipulations shall at the discretion of the Indians annul and work a withdrawal of their consent to the granting of said right of way.

In consideration of the agreement of said Sprague to the stipulations aforesaid, the said Milroy, on behalf of said Indians, hereby agrees and binds himself to assemble them in council without delay and to obtain from them, through their chiefs and head men, their written consent to the permanent right of way for said branch line through said reservation. In case said consent is not fully obtained as aforesaid, this agreement to be null and void, else to be in full force and virtue in law, as witness our hands at New Tacoma, Wash. Ty., this 21st of November, A. D. 1876.

THE NORTHERN PACIFIC RAILROAD CO.,
By J. W. SPRAGUE, *Genl. Supt.*
R. H. MILROY, *Agt. in Charge.*

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
December 14, 1876.

The within agreement between J. W. Sprague, genl. supt. of the Pacific division of the Northern Pacific Railroad, and R. H. Milroy, U. S. Indian agent, dated Nov. 21, 1876, is respectfully submitted to the Secretary of the Interior with recommendation for its approval.

J. Q. SMITH, *Commissioner.*

DEPARTMENT OF THE INTERIOR, *April 13, 1877.*

The within agreement is hereby approved.

C. SCHURZ, *Secretary.*

Be it known that on this 23rd day of November, A. D. 1876, we, the chiefs and head men of the Puyallup Indian tribe and reservation, being in general council

Feb. 20, 1893.

27 Stat., 469.

Chap. 147.—An act to restore to the public domain a portion of the White Mountain Apache Indian Reservation, in the Territory of Arizona, and for other purposes.

White Mountain Apache Indian Reservation, Arizona, restored to public domain.

Boundaries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the White Mountain Apache Indian Reservation in the Territory of Arizona, established by Executive orders dated November ninth, eighteen hundred and seventy-one; December fourteenth, eighteen hundred and seventy-two; August fifth, eighteen hundred and seventy-three; July twenty-first, eighteen hundred and seventy-four; April twenty-seventh, eighteen hundred and seventy-six; January twenty-sixth, eighteen hundred and seventy-seven; and March thirty-first, eighteen hundred and seventy-seven; as lies within the following boundary lines, namely: Beginning at the summit of Chromo Butte, a prominent peak of the Apache Mountains about three and one-half miles southwest of the town of McMillen; thence running north forty-five degrees east a distance of twelve miles; thence due north to the middle of Salt River, a distance of five miles, more or less; thence down the middle of Salt River to the intersection thereof with the present western boundary line of said reservation; thence southerly with the said western boundary line as the same has been ascertained and located by John C. Smith, deputy surveyor, to the place of beginning, be, and the same is hereby, restored to the public domain and declared to be public lands of the United States.

Entries.

Provisos.

Prices for homestead locations.

Date of entry.

Sec. 2. That the lands hereby restored shall be subject to entry and occupation under the laws providing for the disposal of the public domain in force at the date of the passage of this act: *Provided*, That each person seeking to obtain title to portions of said land, not mineral, under the homestead laws, shall, in addition to the legal fees and charges of the register and receiver, pay for the land so entered not less than one dollar and twenty-five cents per acre in cash: *Provided further*, That any location, entry, or entries, mineral or nonmineral, heretofore made on said lands or any part thereof by any qualified person or persons shall bear date and be allowed with the same effect and

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assembled, and having heard read, interpreted, and explained to us the written agreement made and entered into between J. W. Sprague, general superintendent of the Pacific division of the Northern Pacific Railroad, on behalf of said railroad company, and our agent, R. H. Milroy, on our behalf, under date of Nov. 21st, 1876, relative to our granting the right of way for a branch line of said R. R. from New Tacoma to the Puyallup coal fields through our reservation, and being convinced that it would be for our best interest and that of all our people to grant the right of way for said branch line through our reservation, hereby agree and consent on behalf of our people to grant the permanent right of way to said R. R. co. for the construction of their said branch line through our reservation upon the terms and conditions named and set forth in said agreement.

In testimony of which we have hereunto set our hands the day and year first above written.

Joshua his x mark Sitwell, head chief.	
Richard his x mark Sinneywah, subchief.	
Marcellus his x mark Spot, subchief.	
Joseph his x mark Yall, subchief.	
George his x mark Wash, head man.	
Jonas x Stanup.	Do.
August x Jackson,	Do.
Atwin x Jackson,	Do.
James x Coats,	Do.
Lewis x Napoleon,	Do.
John x Swan,	head man.
Saleskin, x	Do.
Charles x Swahard,	Do.
Robert x Gamble,	Do.
John x Cook,	Do.
John x McCloud,	Do.
John x Seattle,	Do.
Tenas x Peames,	Do.
Charles x Jake,	Do.
Fred x Moses,	Do.

James Lewis, *Interpreter*.
Peter C. Stanup, *Sheriff*.

All of the foregoing names and marks were signed in the presence of—

M. G. Mann,
John Flett,
R. H. Milroy, *Agt.*

no other, as though said lands had been public lands at the date of the institution of such proceedings; but no such entry shall be deemed completed except upon the payment to the proper officers of the regular purchase price of said lands, irrespective of any payments which may have been heretofore made.

Confirmation of previous entries.

SEC. 3. That upon making payment as prescribed in the preceding section all entries and mill-site applications heretofore allowed upon any of said lands shall be, and the same are hereby, confirmed, and patents shall issue therefor.

Disposition of receipts.

SEC. 4. That all moneys accruing from the sale of the lands hereby restored, except the fees allowed by law to the register and receiver, shall be paid into the Treasury of the United States and applied solely as follows:

Reimbursement.

First. To reimburse the United States for all expenses actually and necessarily incurred in running said boundary lines and surveying said lands.

Trust fund.

Second. The remainder to be held in trust for the sole use and benefit of the tribes of Indians now located upon said reservation, and to be expended by the Commissioner of Indian Affairs, under the direction and control of the Secretary of the Interior, in such manner and for such purposes as may to him seem to be for the best interests of said Indian tribes.

Ownership of Indians not recognized.

SEC. 5. That nothing herein contained shall be construed as recognizing title or ownership of said Indians to any part of said White Mountain Apache Indian Reservation, whether that hereby restored to the public domain or that still reserved by the Government for their use and occupancy.

Approved February 20, 1893.

Feb. 20, 1893.

27 Stat., 470.

Preamble.

See note to 1875 c. 90, ante, p. 155.

CHAP. 148.—An act to ratify and confirm an agreement made between the Seneca Nation of Indians and William B. Barker.

Whereas, the Seneca Nation of Indians in council, January third, eighteen hundred and ninety-three, duly entered into an agreement with William B. Barker, whereby said nation leased to said Barker the Oil Springs, the Cattaraugus and the Allegany reservations, situate in western New York, for the purpose of boring and testing said territory for gas and oil, on condition that if oil was found in paying quantities said nation should receive one-eighth part thereof, and if gas should be found in paying quantities said nation should receive forty dollars per annum for each gas well drilled and used, and in addition that each Seneca Indian family residing on either of said reservations should, if gas is found, have sufficient fuel for domestic use from any gas wells drilled on said territory free of charge, all of which is provided in said agreement, which was duly recorded in the Seneca Nation deed book, volume five, page three hundred and forty-one, January fourth, eighteen hundred and ninety-three, at three o'clock post meridian of that day: Therefore

Seneca Indians. Agreement with W. B. Barker ratified.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the agreement above recited be, and the same hereby is, in all things ratified, accepted, and confirmed.

Approved, February 20, 1893.

Feb. 27, 1893.

27 Stat., 487.

CHAP. 169.—An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes.

Kansas City, Pittsburg and Gulf Railroad Company may construct railroad line, etc., through the Indian Territory.

Location.

1895, c. 175, post, p. 558; 1896, c. 19, post, p. 569.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas City, Pittsburg and Gulf Railroad Company, a corporation created under and by virtue of the laws of the State of Missouri, be, and the same is hereby, invested and empowered with the right of locating, constructing, operating, using, and maintaining a railroad, telegraph, and telephone line through the Indian Territory, beginning at a point on the south line of Cherokee County, near the town of Galena, in the State of Kansas, and running thence in a southerly direction through the Indian Territory or through the State of Arkansas and the Indian Territory, by the most feasible and practicable route, to a point on the Red River, near the town of Clarksville, in the State of Texas, with the right to construct, use, and maintain such tracks, turnouts, sidings, and extensions as said company may deem its interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

Width.

Stations, etc.

Provisos.

Limit.

Land not to be sold etc.

Reversion.

SEC. 2. That said corporation is authorized to take for all uses of a railroad, telegraph, and telephone line, and for no other purposes, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land two hundred and fifty feet in width, with a length of three thousand feet in addition to right of way, for stations for every ten miles of the road, with the right to use additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *And provided further*, That no parts of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purpose only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line, and when any portion thereof shall cease to be used, such portion shall revert to said nation or tribe of Indians from which the same shall have been taken.

Damages.

Referees.

Oath, etc.

Substitution on failure to appear.

Hearings.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railroad. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointments, shall take and subscribe, before a district judge, clerk of a district court, or United States Commissioner, an oath that they will faithfully and impartially discharge the duties of their appointments, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in the case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court for the western district of Arkansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which

Compensation.
Costs.
Appeal.
Costs on appeal.
Work may begin on depositing double award.

said occupants belong. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nation. Costs, including compensation of the referees, shall be made a part of the award and be paid by said railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making of the award and notice of the same, to appeal by original petition to the United States Court held at Fort Smith, Arkansas, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Arkansas, provided for determining the damage when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight charges.
Provisos.
Passenger rates, etc
Regulation.
Interstate transportation.
Maximum.
Mails.

SEC. 4. That said railroad Company shall not charge the inhabitants of said Territory a greater rate of freight than the rates authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railroad shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railroad and messages on said telegraph and telephone lines until a State government shall be authorized to fix and regulate the cost of transportation of persons and freight within its respective limits by said railroad; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railroad or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rates of such transportation of passengers, local or interstate, shall not exceed the rates above expressed: *And provided further*, That said railroad company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law, the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.
Proviso.
Appeal by general councils.

SEC. 5. That said railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railroad for each mile of railroad that it may construct in said Territory, said payment to be made in installments of one thousand two hundred and fifty dollars as each working section of twenty-five miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railroad may be located shall, within four months after the filing of the maps of definite location, as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the

Award to be in lieu of compensation.

Annual rental.

Apportionment.

Taxation.

Survey, etc.

individual occupants of lands, with the right of appeal to the courts upon the same conditions, terms, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railroad company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions. Said company shall also pay, so long as said Territory is owned or occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railroad it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railroad that may be constructed by said railroad company through their lands: *Provided*, That Congress shall have the right, as long as said lands are occupied and possessed by said nation or tribe, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railroad shall have been established may exercise the like power as to such part of said railroad as may be within its limits. Said railroad Company shall have the right to survey and locate its railroad immediately after the passage of this act.

Maps to be filed.

Proviso.

Grading to begin on filing maps.

SEC. 6. That said Company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railroad may be located, and after filing said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railroad company's located line is filed as herein provided for, said company shall commence grading said located line within one year thereafter, or said location shall be void; and said location shall be approved by the Secretary of the Interior, in sections of twenty-five miles, before construction of any such section shall be begun.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company, necessary to the construction and management of said road, shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

Jurisdiction.

SEC. 8. That the United States circuit and district Court for the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas City, Pittsburg and Gulf Railroad Company and the nations and tribes through whose territory said railroad shall be constructed. Said Courts shall have like jurisdiction, without reference to the amount in controversy, in all controversies arising between the inhabitants of said nations or tribes and said railroad Company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and completion.

Crossings, etc.

SEC. 9. That said railroad Company shall build at least fifty miles of its railroad in said Territory within three years after the passage of this act and complete main line of the same within one year thereafter, or the rights herein granted shall be forfeited as to that portion not built. That said railroad company shall construct and maintain continually all fence, road, and highway crossings, and necessary bridges over said railroad whenever said roads and highways do now or may hereafter cross said railroad's right of way or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That the said Kansas City, Pittsburg and Gulf Railroad Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railroad company under this act.

Proviso.
Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railroad Company conveying any portion of its railroad, with the franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

Assignment, etc.

SEC. 12. That Congress may at any time amend, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgage or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, February 27, 1893.

Feb. 27, 1893.
27 Stat., 492.

CHAP. 171.—An act to grant to the Chicago, Rock Island and Pacific Railway Company a right of way through the Indian Territory, and for other purposes.

Chicago, Rock Island and Pacific Railway Company may build railway, etc., line through Indian Territory.
Post, p. 476.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chicago, Rock Island and Pacific Railway Company, a corporation created under and by virtue of the laws of the State of Illinois, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point to be selected by said company at or near Chicasha Station, on said railway, in the Chickasaw Nation, Indian Territory, and running thence by the most practicable route southeasterly in the direction of Dallas, Texas, to the south line of the Indian Territory, and also through the Indian Territory and any Indian reservations upon a line beginning at or near said Chicasha Station and running thence by the most practicable route in a westerly or southwesterly direction to the west or south line of Oklahoma Territory.

Route.

Right of way.

Width.

Stations.
Limitations.

SEC. 2. That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the Chicago, Rock Island and Pacific Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet, in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary, not exceeding one hundred feet in width on each side of said right of way, for the construction and maintenance of the roadbed, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad,

Proviso.

Restricted use.

Reversion.

telegraph, and telephone line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Referees.

Oath, etc.

Appeal.

Work may begin on depositing double award.

Compensation, etc.

Fees.

Costs.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the President, who before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal, by original petition, to the courts, where the case shall be tried de novo. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned, and proceed with the construction of the railroad. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award and be paid by such railroad company.

Freight charges.

Proviso.
Passenger rates.
Regulation.

Interstate transportation.

Maximum rates.

Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory, within the limits of which said railway or part thereof shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freight within their respective limits by said railway, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rates of such transportation of passengers, local or interstate, shall not exceed those above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

Annual rental.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of fifty dollars, in addition to compensation provided for by this act for property taken or damage done by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded. Said company shall also pay, as long as said Territory is owned and occupied by the Indians as nations or tribes, to the Secretary of the Interior, the sum of fifteen dollars per annum for each

Provisos.
Additional taxes.
Appeal by general councils.
Award to be in lieu of compensation.
Taxation.
Survey, etc.

mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as their lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit: *Provided further*, That if the general council of either of the nations and tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of land, with the right to appeal to the courts upon the same terms, conditions, and requirements as herein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the provisions of this section. Nothing in this act shall be construed to prohibit Congress from imposing taxes upon said railway, nor any Territory or State hereafter formed through which said railway shall have been established from exercising the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed.
Proviso.
Grading to begin on filing maps.

SEC. 6. That said railway company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railways may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for said company shall commence grading said located line within six months thereafter or such location shall be void as to any occupant thereof.

Employees to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction, operation, and management of said road and telegraph and telephone lines shall be allowed to reside while so engaged upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said railway company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Construction.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the pas-

Forfeiture.
Crossings, etc.

sage of this act, or this grant shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way or may be by proper authorities laid out across the same.

Condition of acceptance.

Proviso.
Violation to forfeit.

SEC. 10. That said railway company shall accept this right of way upon express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, February 27, 1893.

February 28, 1893.
27 Stat., 495.

CHAP. 175.—An act granting to the Chicago, Rock Island and Pacific Railway Company the use of certain lands at Chickasha Station, and for a "Y" in the Chickasaw Nation, Indian Territory.

Chicago, Rock Island and Pacific Railway may use lands at Chickasha Station, Ind. Ter., with right of way for a "Y."
Ante, p. 472.

Station.

Right of way for a "Y."
Length.

Width.

Compensation.

Ante, p. 250.
Proviso.
Conditions, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chicago, Rock Island and Pacific Railway Company, a corporation created under and by virtue of the laws of the States of Illinois and Iowa, is hereby granted the right to use for railroad purposes two additional strips of land, each one hundred feet in width, lying on each side of the ground selected for station purposes, under act of Congress, at Chickasha Station, in the Chickasaw Nation, Indian Territory; and said railway company is also granted a right of way one thousand five hundred feet in length for a "Y" in sections twenty-one and twenty-two, township seven north, range seven west of Indian meridian, said right of way to be of a width of three hundred feet for a distance of four hundred feet, and for the remaining one thousand one hundred feet the width shall be one hundred feet. The amount of compensation to be paid to the Chickasaw Nation or tribe of Indians for such appropriation of land and right of way shall be ascertained and determined in the manner provided for the determination of the compensation to be paid to individual occupants of lands, as provided in section three of an act entitled "An act to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway Company, and for other purposes," approved March second, eighteen hundred and eighty-seven: *Provided*, That said strips of lands and the lands included in the said "Y" shall be subject to all the conditions, restrictions, and limitations contained in the said act of Congress last mentioned.

Approved, February 28, 1893.

Mar. 1, 1893.

27 Stat., 524.

CHAP. 188.—An act to grant to the Gainesville, McCallister and Saint Louis Railway Company a right of way through the Indian Territory, and for other purposes.

Gainesville, McCallister and Saint Louis Railway Company may construct railway, etc., through Indian Territory.

Location.
1896, c. 41, post, p. 560; 1898, c. 374, post, p. 668.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Gainesville, McCallister and Saint Louis Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining, a railway, telegraph, and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on Red River, north of the east part of Cooke County, in the State of Texas, or the west part of Grayson County, in said State, and running thence in a northeast direction, by the most practicable route, through the Indian Territory, to a point on the western boundary of the State of Arkansas.

Right of way.

Addition for stations.

Lands not to be leased or sold.

Provisos.
Limit.

Not to be used for other purposes.

Reversion.

SEC. 2. That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the Gainesville, McCallister and Saint Louis Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet, in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed; not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages.

Appraisement.
Referees.

Disagreement.
Award.

Appeal.

Work may begin on depositing double award.

Compensation of referees.

Witness fees.
Costs.

SEC. 3. That, before said railway shall be constructed through any lands held by individual occupants according to the laws, custom, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amcable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees to be appointed by the President, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the courts, where the case shall be tried de-novo. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned, and proceed with the construction of the railroad. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award and be paid by such railroad company.

Freight charges.
Provisos.
Passenger rates
Regulation.
Maximum.
Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind, provided that passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory, within the limits of which said railway or part thereof shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freight within their respective limits by said railway, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rates of such transportation of passengers, local or interstate, shall not exceed those above expressed; *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.
Annual payments.
Apportionment.
Provisos.
Additional taxes.
Appeal by general councils.
Infra.
Award to be in lieu of compensation.
Taxation.
Survey, etc.
Right of way over allotted lands.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of fifty dollars, in addition to compensation provided for by this act for property taken or damage done by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded. Said company shall also pay, as long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as their lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit: *Provided further*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of land, with the right to appeal to the courts upon the same terms, conditions, and requirements as herein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the provisions of this section. Nothing in this act shall be construed to prohibit Congress from imposing taxes upon said railway, nor any Territory or State hereafter formed through which said railway shall have been established from exercising the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act: *Provided further*, That if said right of way shall pass over or through any land allotted to an

Indian in accordance with any law or treaty it shall be the duty of the Secretary of the Interior to provide for obtaining the consent of such allottee or allottees to said right of way and to fix the amount of compensation to be paid such allottees for right of way and for damages sustained by them by reason of the construction of the road; but no right of any kind shall vest in said railway company to any portion of said right of way passing over or through any allotted lands until the compensation herein provided for shall be fixed and paid.

Maps to be filed.

Amended, post, p. 581.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railways may be located; and after the filing of said maps no claim for subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company:

Proviso.

Grading to begin on filing map.

Provided, That, when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void as to any occupant thereof.

Employees to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction, operation and management of said road and telegraph and telephone lines shall be allowed to reside while so engaged on said right of way, but subject to the provisions of the Indian intercourse laws and such regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, the district of Kansas, and such other courts as may be authorized by Congress shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Gainesville, McCallister and Saint Louis Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to the citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Construction.

1899, c. 193, post, p. 679.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, or this grant shall be forfeited as to that portion not built;

Crossings, etc.

that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way or may be by proper authority laid out across the same.

Condition of acceptance.

SEC. 10. That the said Gainesville, McCallister and Saint Louis Railway Company shall accept this right of way upon express condition, binding upon itself, its successors and assigns, that they will neither aid, advise nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than is hereinbefore provided:

Proviso.

Violation to forfeit.

Provided, That any violation of the condition mentioned in this section, shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, March 1, 1893.

Mar. 1, 1893.

27 Stat., 529.

CHAP. 192.—An act extending the time for the construction of the Big Horn Southern Railroad through the Crow Indian Reservation.

Big Horn Southern Railroad through Crow Indian Reservation, Mont.

Extension of time for construction, etc.

1889, c. 134, ante, p. 309.

1892, c. 74, ante, p. 196.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time limited in section four of the act of Congress entitled "An act granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian Reservation, in Montana Territory," approved February twelfth, eighteen hundred and eighty-nine, within which said railroad company was required to construct its road through said reservation, be, and the same is hereby, extended for two years from December twentieth, eighteen hundred and ninety-two, so that said railroad company shall have until December twentieth, eighteen hundred and ninety-four, to construct its railway. And all the prohibitions and restrictions against transfer and assignment of said right of way which are contained in the act of February twelfth, eighteen hundred and eighty-nine, of which this act is amendatory, shall continue in force: *Provided*, That in order to facilitate the construction of said road, the said railroad company may transfer the said right of way, subject to the approval of the Secretary of the Interior, to another railroad company of the State of Montana.

Transfer and assignment prohibited.

Proviso.

Exception.

Right of way changed, etc.

Location.

Across Fort Custer military reservation, etc.

Branch line.

Consent, etc., of Secretary of War.

SEC. 2. That the said right of way through the Crow Indian Reservation, described in said act of February twelfth, eighteen hundred and eighty-nine, is hereby amended, and is granted upon and along the following route: Beginning at some point on the Yellowstone River, in Yellowstone County, Montana; thence, by the most practicable route, across said reservation to the valley of the Big Horn River, thence up said valley and across the Fort Custer military reservation and up the valley of the Little Big Horn River and a tributary thereof, to and across the southern boundary of the said Crow Indian reservation, with a branch from said line above described, beginning in the Fort Custer military reservation, or at some point in the valley of the Little Big Horn River, and running thence in a southwesterly or westerly direction across said Crow Indian reservation to the boundary line of said reservation, said grant of a right of way through the military reservation to be subject to the consent and approval of the Secretary of War.

Requirements to be conformed to.

SEC. 3. That the said railroad company shall, in all particulars not inconsistent with this act, conform to the requirements of said act of February twelfth, eighteen hundred and eighty-nine, and the benefits and provisions of said act shall apply to the right of way herein granted.

Approved, March 1, 1893.

Mar. 3, 1893.

27 Stat., 557.

CHAP. 203.—An act to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect.[a]

Preamble.

Whereas, David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the ninth day of September, eighteen hundred and ninety-one, conclude an agreement with Kickapoo Indians in Oklahoma Territory, formerly a part of the Indian Territory, which said agreement is as follows:

Agreement with Kickapoo Indians, Oklahoma Territory.

"Articles of agreement made and entered into on the Kickapoo Reservation, in the Indian Territory, on the 21st. day of June, A. D. 1891, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Kickapoo tribe of Indians, in the Indian Territory, and completed at the city of Washington, D. C., on this 9th day of September, A. D. 1891.

Article I.

ARTICLE I.

Lands ceded absolutely.

"The said Kickapoo tribe of Indians in the Indian Territory hereby cede, convey, transfer, and relinquish, forever and absolutely, without any reservation whatever, all their claim, title, and interest of every kind and character in and to the lands embraced in the following described tract of country in the Indian Territory, to wit:

Description.

"Commencing at the southwest corner of the Sac and Fox Reservation; thence north along the western boundary of said reservation to the Deep Fork of the Canadian River; thence up said Deep Fork to the point where it intersects the Indian Meridian; thence south along said Indian Meridian to the North Fork of the Canadian River; thence down said river to the place of beginning.

Article II.

"ARTICLE II.

Allotments in severalty.

In consideration of the cession recited in the foregoing article, the United States agrees that in said tract of country there shall be allotted to each and every member, native and adopted, of said Kickapoo tribe of Indians in the Indian Territory, 80 acres of land to conform in boundary to the legal surveys of said land. Each and every member of said tribe of Indians over the age of eighteen years shall have the right to select for himself or herself 80 acres of land to be held and owned in severalty; and that the father, or, if he be dead, the mother shall have the right to select a like amount of land, under the same restrictions, for each of his or her children under the age of eighteen years; and that the Commissioner of Indian Affairs, or some one appointed by him for the purpose, shall select a like amount of land, under the same restrictions, for each orphan child belonging to said tribe under the age of eighteen years.

Selections of land by Indians.

Occupied land, etc.

"It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said tract of country that is now used or occupied, or that has, or may hereafter be, set apart for military, agency school, school farm, religious, town site, or other public uses, or in sections sixteen (16) and thirty-six (36) in each Congressional township; provided, in cases where any member of said tribe of Indians has heretofore made improvements upon, and now occupies and uses, a part of said sections sixteen (16) and thirty-six (36), such persons may make his or her selection, according to the legal subdivisions, so as to include his or her improvements. It is further agreed that wherever, in said tract of country, any one of said Indians has made improvements and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection, to conform to legal subdivisions, however, so as to include such improvements.

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[a] The Mexican Kickapoo are now settled upon allotments on their reservation in the Sauk and Fox Agency, Okla. The Kansas Kickapoo are settled upon allotments in the Potawatomi and Great Nemaha Agency, Kans.

Acts relative to the Kickapoo are February 14, 1873, ante, p. 141, providing for the retention of the proceeds of the sale of Kansas lands as a permanent trust fund; July 28, 1882, ante, p. 204, providing for the sale of a part of the reservation in Kansas; August 4, 1886, ante, p. 242, providing for the disposition of the allotments of deceased allottees; the above act providing for allotment in severalty of the lands in Indian Territory, and March 2, 1895 (28 Stat., 909), amended by April 11, 1898 (30 Stat., 354), providing for the sale and allotment of Kickapoo lands in Brown County, Kans., a substitute for which acts is provided in February 28, 1899 (post, p. 680).

Existing improvements on school sections, etc.

ARTICLE III.

ARTICLE III.

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by the Congress of the United States, provided the Secretary of the Interior in his discretion may extend the time for making such selections; and should any Indian entitled to allotment hereunder fail or refuse to make his or her selection of land in such time, then the allotting agent in charge of said work of making such allotments, shall, within the next thirty (30) days after said time, make allotments to such Indians, which shall have the same force and effect as if the selections had been made by the Indians themselves.

Limit of time for selections by Indians.

Allotment by agent on failure to select.

ARTICLE IV.

ARTICLE IV.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the benefit of the allottees, respectively, for a period of twenty-five (25) years, in the manner and to the extent provided for in the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes." Approved February 8, 1887.

Titles to be held in trust.

Ante, p. 33.

"And at the expiration of the said twenty-five (25) years the title thereto shall be conveyed in fee simple to the allottees or their heirs free from all incumbrances, provided the President may at the end of said period extend the time the land shall be so held, in accordance with the provisions of the above-recited act.

Conveyance in fee.

ARTICLE V.

ARTICLE V.

"In addition to the allotments above provided for, and the other benefits to be received under the preceding articles, and as the only further consideration to be paid for the cession and relinquishment of title above recited, the United States agrees to pay the said Kickapoo Indians, to be distributed among them per capita, under the direction of the Commissioner of Indian Affairs, for the improvement of their said allotments, and for other purposes for their benefit, the sum of sixty-four thousand and six hundred and fifty ($64,650) dollars; provided, that the number of allotments of land provided for shall not exceed three hundred (300). But if the number of allotments shall exceed three hundred (300), then there shall be deducted from the said sum of sixty-four thousand and six hundred and fifty ($64,650) dollars, the sum of fifty ($50) dollars for each allotment in excess of the three hundred (300); provided, however, that should the Kickapoos elect to leave any or all of said money in the Treasury of the United States, it shall bear interest at the rate of five per cent per annum after the ratification by Congress of this contract.

Per capita payment to tribe for lands ceded.

Proviso.

Limit.

Number of allotments.

Indians may leave money in Treasury at interest.

Article VI.

Article VI.

Land used for religious, etc., work reserved from entry.

"It is hereby further agreed that wherever, in this reservation, any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians the land so occupied may be allotted and confirmed to such society or organization, not however to exceed one hundred and sixty (160) acres of land to any one society or organization, so long as the same shall be so occupied and—used, and such land shall not be subject to homestead entry.

Article VII.

Article VII.

Effect.

"This agreement shall have effect whenever it shall be ratified by the Congress of the United States."

[Here follow the signatures.]

* * * * * * *

Agreement to submit certain disputed points to decision of Secretary of Interior, etc.

We, the undersigned, commissioners on the part of the United States, and Ock-qua-noc-a sey, Kish-o-com-me, and John T. Hill, authorized by the Kickapoo tribe of Indians in the Indian Territory, hereby agree with each other as follows:

"The United States commissioners aforesaid and the Kickapoos have agreed on terms of sale of their reservation, except the commissioners insist on the Indians taking lands in allotment, while the Indians insist in taking an equal amount of land as a diminished reservation, the title to be held in common.

"The tribe has executed a power of attorney authorizing the above named persons to make the contract with the Commissioners, but have directed them to do so at Washington. The Kickapoos so authorized insist on going to Washington to see the Secretary of the Interior, and submit to him their claim to have a diminished reservation held in common as aforesaid, and hereby agree with the United States Commission to abide his decision in the premises, and take their lands in common or in allotment as he shall direct, and further agree that at Washington, they will sign a contract as the Secretary of the Interior may determine. This is agreed to on condition that the United States shall pay their expenses and subsist them to Washington and return.

"Done at Oklahoma City, Oklahoma Territory, this 29th day of August A. D. 1891.

Signatures.

David H Jerome,
Warren G. Sayre,
Alfred M. Wilson,
U. S. Commissioners.
Ock qua No Casey (his x mark)
Kish o Cam Mee (his x mark)
John T. Hill.

* * * * * * *

"Department of the Interior,
Washington, D. C.

Announcement of terms of agreement by the Secretary of the Interior.

"The Kickapoo tribe of Indians having agreed upon terms of sale of their reservation with the commissioners for the United States, except the commissioners insist on the Indians taking lands in allotment, while the Indians insist on taking an equal amount of land as a diminished reservation, the title to be held in common, and having further agreed to abide by the decision of the Secretary of the Interior in the premises, and that said lands shall be taken in common or in allotment as he shall direct, and that a contract shall be signed as he may determine:

"(All of which more fully appears by an agreement dated August 29th, 1891, and a power of attorney dated August 16th, 1891, hereunto annexed.)

And said question having been submitted to the Secretary by the commissioners in person and by said Indians, appearing by their delegates, Ock-qua-noc-a-sey, Kish-o-com-me, and John T. Hill, and having been duly considered,

Decision.

Lands to be taken in allotment.

"Now, I, John W. Noble, Secretary of the Interior, and as said Secretary, do hereby decide that the Kickapoo Indians take their lands in allotment and not to be held in common, and I so direct.

"Let the contract, so far as the question submitted is involved, be signed in accordance with this decision.

"Done this ninth day of December, A. D. eighteen hundred and ninety one.

"John W. Noble,
"Secretary of the Interior.

* * * * * * *

Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Confirmation of cession.

That said agreement be, and the same hereby is, accepted, ratified, and confirmed,

Appropriation.

Expenditure.

John T. Hill.

Interest.

Proviso.

Restriction as to Indian depredation claims.

Ante, p. 58.

"That for the purpose of carying into effect the provisions of the foregoing agreement there is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated the sum of sixty-four thousand six hundred and fifty dollars. And after first paying to John T. Hill the sum of five thousand one hundred and seventy-two dollars for services rendered said Kickapoo Indians and in discharge of a written contract made with said Indians and recommended by the Secretary of the Interior, the remainder to be expended for the use of said Indians as stipulated in said contract; Provided that should said Indians elect to leave any portion of said remaining balance in the Treasury, the amount so left shall bear interest at the rate of five per cent per annum." *Provided*, That none of the money or interest thereon, which is by the terms of said agreement to be paid to said Indians, shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

Expenses of allotments, etc.

Sec. 2. That for the purpose of making the allotments and payments provided for in said agreement, including the preparation of a complete roll of said Indians, the pay and expenses of a special agent, if the President thinks it necessary to appoint one for the purpose, and the necessary surveys or resurveys, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary.

Ceded lands open to settlement.

R. S., sec. 2301.

Provisos.

Additional payment.

Soldiers and sailors' homestead, etc.

R. S., secs. 2304, 2305, p. 422.

No settlement until proclamation made.

Sec. 3. That whenever any of the lands, acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement or entry, they shall be disposed of (except sections sixteen and thirty-six in each township thereof) to actual settlers only, under the provisions of the homestead and town-site laws (except section twenty-three hundred and one of the Revised Statutes of the United States, which shall not apply): *Provided, however*, That each settler on said lands shall, before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of one dollar and fifty cents an acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States shall not be abridged, except as to the sum to be paid as aforesaid. Until said lands are opened to settlement by proclamation of the President of the

Violation.

Further qualification for homestead entry.

United States, no person shall be permitted to enter upon or occupy any of said lands; and any person violating this provision shall never be permitted to make entry of any of said lands or acquire any title thereto: *Provided*, That any person having attempted to, but for any cause failed to acquire a title in fee under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make homestead entry upon said lands.

Approved, March 3, 1893.

Mar. 3, 1893.

27 Stat., 568.

CHAP. 205.—An act to provide for the adjustment of certain sales of lands in the late reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas.

Confederated Oto and Missouri Indian lands, Nebr. and Kans.

Adjustment of sales.

See note to 1881, c. 128, ante, p. 190.

Consent of Indians.

Regulations.

Rebates on purchases.

Proviso.

Maximum.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to revise and adjust on principles of equity the sales of lands in the late reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, provided by the act of Congress approved March third, eighteen hundred and eighty-one, to be appraised and sold in the manner specified in said act, and which were sold at public sales at the land office at Beatrice, Nebraska, in May and December, eighteen hundred and eighty-three, and in his discretion, the consent of the Indians having first been obtained, in such manner and under such regulations as the Secretary of the Interior shall prescribe and approve, to allow to the purchasers of said lands at said public sales, their heirs and legal representatives, rebates of the amounts, respectively, paid, or agreed to be paid, by said purchasers: *Provided*, That such rebates shall in no case exceed the price for which said tracts of land were severally sold in excess of the appraised value thereof, as shown by the appraisement made by the commissioners appointed and designated under said act.

Records of rebates.

Notice of amounts due.

Resale on default of payments due.

Payment of rebates, etc.

SEC. 2. As soon as practicable after such adjustments, such rebates, if any shall be allowed, shall be severally indorsed on the certificates and receipts of purchase, and on the records of the General Land Office, and the Secretary of the Interior shall cause notice to be given to said purchasers, severally, of the amounts of the deferred payments found to be due and unpaid on their respective purchases under such adjustments. And in default of the payment in cash of the amounts thus found to be severally due within one year from the date of the issuance of such notice, with interest thereon from the date of such adjustments, the entries of any of said purchases so in default shall be canceled and the lands shall be resold at no less than the appraised price, and in no case less than two dollars and fifty cents per acre, as provided in said act; and where lands have been fully paid for and rebate of the purchase money has been allowed by the Secretary of the Interior, he shall pay said money, within three months, to said purchaser, his heirs or legal representatives, out of any money in the Treasury derived from the fund received from the sale of said lands; the same to be paid on the requisition of the Secretary of the Interior.

Approved, March 3, 1893.

Mar. 3, 1893.

27 Stat., 612.

CHAP. 209.—An act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June thirtieth, eighteen hundred and ninety-four.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department for the year ending June thirtieth, eighteen hundred and ninety-four, and fulfilling treaty stipulations with the various Indian tribes, namely:

* * * * * * *

[27 Stat., 624.]
Payment to Indian scouts and soldiers, military service.
Sioux outbreak.
War of the rebellion
Ante, p. 428.
Vol. 2, p. 588.
12 Stat., 652.
Ante, p. 428.
Ante, p. 431.
Distribution per capita.
Pay rolls.
Ante, p. 431.
Mistakes, etc., in enrollment.

That for the purpose of paying to the scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux Indians who were enrolled and entered into the military service of the United States, and served in suppressing what is known as the Sioux outbreak of eighteen hundred and sixty-two, or who were enrolled and served in the armies of the United States in the war of the rebellion, and are now living, and to the descendants and members of the families of such of said scouts and soldiers as are now dead, who were not parties to the agreement entered into between the United States and the Sisseton and Wahpeton bands of Dakota and Sioux Indians on the twelfth day of December, eighteen hundred and eighty-nine, for the reason that they were not residents of the said Sisseton Reservation and did reside elsewhere, their pro rata shares of the amount found due said scouts and soldiers for annuities under the provisions of the fourth article of the treaty of July twenty-third, eighteen hundred and fifty-one, and of which they have been wrongfully and unjustly deprived by the operation of the provision of the act of Congress approved February sixteenth, eighteen hundred and sixty-three, and entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," the whole amount so found due all of said scouts and soldiers by the Department of the Interior, having been appropriated by the United States, to the Indians residing on the Sisseton Reservation, in and by article three of the said agreement of December twelfth, eighteen hundred and eighty-nine, to the Indians residing on the said Sisseton Reservation, without reference to military service, and the said scouts and soldiers residing off said reservation being thereby deprived of their pro rata share of said annuities for which Congress made provision to the thirtieth day of June, eighteen hundred and ninety, in and by section twenty-seven of the act of March third, eighteen hundred and ninety-one, leaving their share of the annuity of eighteen thousand four hundred dollars due the first day of July, eighteen hundred and ninety, and the first day of July, eighteen hundred and ninety-one, and the first day of July, eighteen hundred and ninety-two, and the first day of July, eighteen hundred and ninety-three, and the first day of July, eighteen hundred and ninety-four, wholly unpaid and unprovided for, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, thirty thousand six hundred and sixty-six dollars and sixty-six cents, or so much thereof as may be necessary, to be paid in equal shares and per capita to said scouts and soldiers who are still living, and who are not parties to the agreement aforesaid, and——a share that any such scout or soldier would receive if living shall, in the event he is dead, be divided pro rata between his wife and children and descendants, and the pay rolls upon which payments were made to said scouts and soldiers and their descendants under the twenty-seventh section of the act March third, eighteen hundred and ninety one, shall be conclusive in all cases where the name appears upon said rolls, except in cases where deaths have subsequently occurred, and the Secretary of the Interior is hereby authorized to add such other names to said rolls as were previously omitted therefrom by mistakes or omissions of persons who were lawfully entitled to be enrolled thereon.

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[27 Stat., 630.]
Alexander Redwing may sell to American Missionary Association land for cemetery Nebraska.

Authority is hereby granted to Alexander Redwing, a Sioux Indian of the Santee tribe in the State of Nebraska, to sell and convey to the American Missionary Association, incorporated under the laws of the State of New York, so much of the land allotted and patented by the

United States to him, the said Redwing, as is used for a cemetery lot, not exceeding fifteen acres, situated in the tract described as follows, to wit: West half of southeast quarter of southwest quarter section thirteen, township thirty-three north, range five west, the same to be held, occupied and used for cemetery purposes only.

Omaha Indians, Nebraska.
See 1882, c. 434, and note, ante, p. 212.

Allotments.

Indian women and children born since allotments made.

That the act of Congress approved August seventh, eighteen hundred and eighty-two, entitled "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes," be, and the same is hereby, amended so as to authorize the Secretary of the Interior, with the consent of the Indians of that tribe, to allot in severalty, through an allotting agent of the Interior Department, to each Indian woman and child of said tribe born since allotments of land were made in severalty to the members thereof under the provisions of said act, and now living, one-eight of a section of the residue lands held by that tribe in common, instead of one-sixteenth of a section, as therein provided, and to allot in severalty to each allottee under said act, now living, who received only one-sixteenth of a section thereunder, an additional one-sixteenth of a section of such residue lands:

Provisos.
Conditions, etc.
Ante p. 214.

Provided, That the allotments so made shall be subject to the same conditions, restrictions, and limitations provided for in sections six, seven, and eight of said act, touching allotments and patents to allottees therein mentioned:

Expenses.

And provided, That the expenses incurred in making the allotments hereby authorized shall be defrayed out of the funds appropriated for surveying and allotting Indian reservations.

Kingfisher Okla. Ter., may purchase land for cemetery.

That the town or city of Kingfisher, in Oklahoma Territory shall be, and hereby is, authorized and permitted to purchase, for cemetery purposes, the southwest quarter of the southwest quarter of section sixteen, in township sixteen north, and range seven west, of Indian meridian (upon which there have been buried about one hundred and fifty of its dead), at such price and upon such terms and conditions as may be fixed by the Secretary of the Interior, upon application by the proper authorities therefor.

* * * * * * *

[26 Stat., 681.]

Agreement with Yakima, etc., Indians, Washington, ratified, etc.

That the agreement[a] entered into by Robert S. Gardner, United States Indian inspector, on the part of the United States, duly appointed by

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[a] AGREEMENT WITH YAKIMA INDIANS.

Articles of agreement made and concluded with the confederated tribes and bands of Indians occupying the Yakama Reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad.

Articles of agreement bearing date the thirteenth day of January, in the year of our Lord eighteen hundred and eighty-five, made between Robert S. Gardner, United States Indian inspector, on the part of the United States, duly appointed by the Secretary of the Interior, in that behalf, of the one part, and the head chief, chiefs, headmen, and delegates of the Yakama and other confederate tribes and bands of Indians, resident of the Yakama Reservation, in Washington Territory, of the other part, in the words and figures following, namely:

"Whereas by section 1 of an act of Congress approved July second, eighteen hundred and sixty-four, entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound on the Pacific coast, by the northern route' (13 Statutes at Large, page 365), the Northern Pacific Railroad company was authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely: Beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin; thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude to some point on Puget Sound; and

"Whereas, by section 2 of said act, Congress granted to said company the right of way for the construction of said railroad and telegraph line to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station building, work shops, depots, machine shops, switches, side-tracks, turn-tables, and water stations; and

"Whereas, by said section 2, Congress provided that the United States should the Secretary of the Interior in that behalf, of the one part, and the head chief, chiefs, headmen, and delegates of the Yakama and other confederated tribes and bands of Indians, residing on the Yakama Indian reservation, in the State of Washington, of the other part, bearing date the thirteenth day of January, in the year of our Lord one thousand eight hundred and eighty-five, and now on file in the office of the Commissioner of Indian Affairs, is hereby accepted, ratified, and confirmed: *Provided*, That the Northern Pacific Railroad Company, its successors or assigns shall, within sixty days from the taking effect of this act, pay to the Treasurer of the United States the sum of eight thousand two hundred and ninety-five dollars and eighty-cents for the use and benefit of said Yakama and other confederated tribes and bands of Indians residing on the Yakama Reservation, in the State of Washington, five thousand three hundred and nine dollars whereof shall be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct, and the balance, or two thousand nine hundred and eighty-six dollars and eighty cents, shall be expended for the benefit of such individual Indians, or their heirs, or paid to them in cash, in the proportion to which they may severally be entitled, as appears on the schedule E attached to said agreement, as the Secretary of the Interior may direct.

Proviso.
Payment for benefit of Indians by Northern Pacific Railroad.

Expenditure.

* * * * * * *

That the President of the United States is hereby authorized immediately after the passage of this act to appoint a commission of three persons, and not more than one of whom shall be a resident of any one State, and it shall be the duty of said commission to select and appraise such portions of the allotted lands as are not required for homes for the Indian alotees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, in the Puyallup Reservation, in the State of Washington, And if the Secretary of the Interior shall approve the sellections and appraisments made by said commission, the allotted lands so selected shall be sold for the benefit of the allottees, and the agency tract for the benefit of all the Indians, after due notice at public auction at not less than the appraised value for cash, or one-third cash, and the remainder on such time as the Secretary of the Interior may determine, to be secured by vendor's lien on the property sold.

[27 Stat., 633.]
Commission to select and appraise portions of allotted lands, etc., Puyallup Reservation, Wash.
See 1897, c. 3, post, p. 621, and 1902, c. 888, post, p. 752.

Approval.

Sale.

Notice.

Terms of sale.

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extinguish as rapidly as may be consistent with public policy and the welfare of the Indians, the Indian titles to all lands falling under the operation of this act and acquired in the donation to the roads named in the act; and

"Whereas, by treaty between the United States and certain confederate tribes and bands of Indians therein designated as the Yakama Nation of Indians, concluded at Camp Stevens, Walla Walla Valley, June 9, 1855, duly ratified and proclaimed (12 Statutes at Large, page 951), a tract of land therein described situated in the Territory of Washington, was reserved from the land thereby ceded, for the use and occupation of said confederate tribes and bands of Indians, as an Indian reservation; and

"Whereas, by article 3 of said treaty, it is provided that 'if necessary for the public convenience roads may be run through said reservation, and on the other hand the right of way with free access from the same to the nearest public highway is secured to them, as also the right in common with citizens of the United States to travel upon all public highways;' and

"Whereas the said Northern Pacific Railroad Company did, on or about the 20th day of October, 1884, file in the Department of the Interior a certified map showing the definite location of its line of railroad through the Yakama Indian Reservation from the presumed southeasterly boundary of said reservation on the right bank of the Yakama River, 8 miles below the mouth of Satass River, to its north boundary near the mouth of the Atah-num River, all being in Washington Territory, as definitely fixed and determined in compliance with the several acts and resolutions of Congress relating to the Northern Pacific Railroad, and as approved by the board of directors of said company by resolution passed June 21, 1883; also three several descriptive plats of grounds required by said railroad company for station purposes, designated as 'Satass,' 'Toppenish,' and 'Simcoe,' respectively, and severally containing an area of 20.60 acres, exclusive of a right of way of 125 feet in width on each side of the center line of said railroad; and

"Whereas, the said Northern Pacific Railroad Company now desires to construct

Duty of commission. Ascertainment of owners, etc.
Deeds.
Disposal of purchase money.
Proviso. Addition to Tacoma. Sale of lots in agency tract.
School fund.
Power of alienation by Indian allottees of unselected land.
Limit.
Consent of Indians to sale of allotted land.
Sale of agency tract.
Disposal of proceeds.
Reimbursement.

It shall be the duty of said commission, or a majority of them, to superintend the sale of said lands, ascertain who are the true owners of the allotted lands, have guardians duly appointed for the minor heirs of any deceased allottees, make deeds of the lands to the purchasers thereof, subject to the approval of the Secretary of the Interior, which deeds shall operate as a complete conveyance of the land upon the full payment of the purchase money; and the whole amount received for allotted lands shall be placed in the Treasury to the credit of the Indian entitled thereto and the same shall be paid to him in such sums and at such times as the Commissioner of Indian affairs, with the approval of the Secretary of the Interior, shall direct: *Provided*, That the portion of the agency tract selected for sale shall be platted into streets and lots as an addition to the City of Tacoma, and sold in separate lots, in the same manner as the allotted lands, and the amount received therefor, less the amount necessary to pay the expenses of said commission, including salaries shall be placed to the credit of the Puyallup band of Indians as a permanent school fund to be expended for their benefit: *And provided further*, That the Indian allottees shall not have power of alienation of the allotted lands not selected for sale by said Commission for a period of ten years from the date of the passage of this act and no part of the allotted land shall be offered for sale until the Indian or Indians entitled to the same shall have signed a written agreement consenting to the sale thereof, and appointing said commissioners, or a majority of them, trustees to sell said land and make a deed to the purchaser thereof; and no part of the agency tract shall be sold until a majority of said Indians shall consent thereto in a written agreement, which shall also constitute said commissioners, or a majority of them, trustees to sell said land, as directed in this act, and make deeds to the purchaser for the same. The deeds executed by said commission shall not be valid until approved by the Secretary of the Interior, who is hereby directed to make all necessary regulations to carry out the purposes of the foregoing provisions. The proceeds arising from the sale of the allotted lands shall be placed in the Treasury to the credit of the respective allottees, and the net proceeds of the agency tract, after paying the expenses of said commission in the appraisment and sale of said lands, and reimbursing the United

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its line of railroad through the Yakama Reservation, upon the route so designated, and claims the right by virtue of said recited act so to do:

"Now, therefore, in order to fulfill the obligations of the Government in the premises—

"This agreement made at the Yakama Agency, Washington Territory, this 13th day of January, in the year of our Lord, 1885, by and between Robert S. Gardner, United States Indian inspector, on the part of the United States, and the undersigned head chief, chiefs, headmen, and delegates of the Yakama and other confederate tribes and bands of Indians resident on the Yakama Reservation in Washington Territory, and interested in the lands hereinafter described, witnesseth:

"That for the consideration hereinafter mentioned the said confederate tribes and bands of Indians do hereby surrender and relinquish to the United States all the estate, right, title, and interest which they now have under and by virtue of the aforesaid treaty of June 9, 1855, in and to all that part of the Yakama Reservation situate in the Territory of Washington, described as follows, viz:

"A strip of land not exceeding 250 feet in width; that is to say, 125 feet on each side of the line laid down on the map of definite location of the route of the Northern Pacific Railroad wherever said line runs through said reservation, entering the same at the presumed southeasterly boundary thereof, on the right bank of the Yakama River, 8 miles below the mouth of Satass River; thence following through said reservation to the north boundary thereof, at or near the mouth of the Atahnum River, said strip of land being intended to be used by the said Northern Pacific Railroad Company, its successors or assigns, as a right of way and roadbed, and containing 1,000 acres or thereabouts. A copy of said map of definite location was on the day of the date hereof produced and shown to said Indians in council assembled, and is hereto annexed, marked with the letter D, and made a part of this agreement.

"Also, in and to the three several pieces or parcels of land situate along and adjoining the said strip of land hereinbefore described, as the same are respectively delineated on the three several copies of plats or maps thereof also now produced

Interest.
Expenditure of interest.
Expenditure of principal.
Apportionment of expenses.

States for the amount advanced to said commission, shall be placed in the Treasury of the United States to the credit of all said Indians, and the said sums shall draw interest at the rate of four per centum per annum, and the income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior: *Provided;* That an amount not exceeding one tenth of the principal sum may be expended for their benefit during any fiscal year, if deemed necessary by the Secretary of the Interior: *Provided further*, That the entire expense herein incurred shall be apportioned by the Secretary of the Interior pro rata between the several allottees and the owners of the tribal tract; and the Secretary of the Interior may in his discretion designate one member of said Commission to superintend the execution of any of the requirements of said Commission herein provided for.

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CHEROKEE OUTLET.

Cherokee outlet.

Secretary of the Interior authorized to purchase.
See note to 1872, c. 157, ante, p. 131.
Proclamation, post p. 975.
Boundaries.

SEC. 10. That the sum of two hundred and ninety-five thousand Seven Hundred and thirty-six dollars payable as hereinafter provided is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the Secretary of the Interior is hereby authorized and directed to contract to pay eight million three hundred thousand dollars, or so much thereof as may be necessary in addition, to pay the Cherokee Nation of Indians for all the right, title, interest, and and claims which the said nation of Indians may have in and to certain lands described and specified in an agreement concluded between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, and Elias C. Boudinot, Joseph A. Scales, George Downing, Roach Young, Thomas Smith, William Triplett, and Joseph Smallwood, duly appointed commissioners on the part of the Cherokee Nation of Indians in the Indiana Territory, on the nineteenth day of December, eighteen hundred and ninety-one, bounded on the west by the one hundredth degree of west longitude; on the north by the state of

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and shown to said Indians and hereto attached and made a part of this agreement, marked, respectively, with the letters A, B, and C, and containing, respectively, the following areas—that is to say: Tract A ('Satas'), 20.60 acres; tract B ('Toppenish'), 20.60 acres, and tract C ('Simcoe'), 20.60 acres; the same being intended to be used by the said Northern Pacific Railroad Company for the purposes of depots, station houses, sidings, etc.

"In consideration of such surrender and relinquishment of lands as aforesaid, amounting in the aggregate to 1,061.80 acres, the United States agrees to pay to the said confederated tribes and bands of Indians the sum of $5,309, being at the rate of $5 per acre, to be deposited in the Treasury of the United States to the credit of the said confederated tribes and bands of Yakama Indians upon ratification of this agreement by Congress and necessary appropriations therefor, the aforesaid sum to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct.

"And for the considerations aforesaid the United States further agrees, upon ratification of this agreement by Congress and necessary appropriations therefor, to pay to the individual members of said confederated tribes and bands, parties hereto, whose names appear in the schedule hereto annexed marked with the letter E, the reasonable value of all improvements whether of buildings, fences, crops, cultivated fields, or otherwise, falling within the limits of the lands hereby agreed to be surrendered, as the same shall be appraised and determined by a board of arbitrators to be composed of the said Robert S. Gardner, party hereto on behalf of the United States, the agent for the time being on behalf of said Indians, and such other person as they two shall mutually agree upon, the amount of compensation so determined upon and hereby agreed to be paid to be expended for the benefit of such individual Indians, or paid to them in cash, in the proportions to which they may be severally entitled appearing by said schedule, as the Secretary of the Interior may direct.

"All provisions of existing treaties with the said confederated tribes and bands not affected by this agreement to remain in full force and effect, and this agreement to be subject to ratification by Congress."

Agreement.

Ratification.

Limitations.

Kansas; on the east by the ninety-sixth degree of west longitude, and on the south by the Creek Nation, the Territory of Oklahoma, and the Cheyenne and Arapaho Reservation, created or defined by Executive order dated August tenth, eighteen hundred and sixty-nine; which said agreement is fully set forth in the message of the President of the United States, communicating the same to congress, known as Executive Document Numbered Fifty-six, of the first session of the Fifty second Congress, the lands referred to being commonly known and called the "Cherokee Outlet;" and said agreement is hereby ratified by the congress of the United States, subject, however, to the Constitution and laws of the United States and the acts of congress that have been or may be passed regulating trade and intercourse with the Indians, and subject, also, to certain amendments thereto, as follows:[a]

Agreement amended.

Provisos.

Removal of intruders.

To be paid value of improvements.

Amend the same by adding to the first paragraph of article two of said agreement the following words: "*And provided further*, That before any intruder or unauthorized person occupying houses, lands, or improvements, which occupancy commenced before the eleventh day of August, anno Domini eighteen hundred and eighty-six, shall be removed therefrom, upon demand of the principal chief or otherwise,

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[a] AGREEMENT WITH CHEROKEE.

Articles of agreement made and concluded at Tahlequah, in the Indian Territory, on the 19th day of December, A. D. 1891, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and Elias C. Boudinot, Joseph A. Scales, George Downing, Roach Young, Thomas Smith, William Triplett, and Joseph Smallwood, commissioners on the part of the Cherokee Nation.

ARTICLE I.

The Cherokee Nation by act duly passed shall cede and relinquish all its title, claim, and interest of every kind and character in and to that part of the Indian Territory bounded on the west by the one hundredth (100°) degree of west longitude; on the north by the State of Kansas; on the east by the ninety-sixth (96°) degree of west longitude, and on the south by the Creek Nation, the Territory of Oklahoma, and the Cheyenne and Arapahoe Reservation, created or defined by Executive order dated August 10, 1869. The tract of land embraced within the above boundaries containing eight million one hundred and forty-four thousand six hundred and eighty-two and ninety-one one-hundredths (8,144,682.91) acres, more or less.

ARTICLE II.

For and in consideration of the above cession and relinquishment the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation, or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorised persons within the intent and meaning of section six of the treaty of 1835 and sections twenty-six and twenty-seven of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States as trespassers, upon the demand of the principal chief of the Cherokee Nation. In such removal no houses, barns, outbuildings, fences, orchards, growing crops, or other chattels real, being attached to the soil and belonging to the Cherokee Nation, the owner of the land, shall be removed, damaged, or destroyed, unless it shall become necessary in order to effect the removal of such trespassers: *Provided always*, That nothing in this section shall be so construed as to affect in any manner the rights of any persons in the Cherokee Nation under the ninth article of the treaty of July 19, 1866.

Second. That article fifteen (15) of the treaty of July 19, 1866, by and between the United States and the Cherokee Nation, shall be abrogated and held for naught from and after the day that Congress may ratify this agreement providing for such cession and relinquishment of title: *Provided*, That the rights of any person or persons heretofore acquired under and by virtue of said article fifteen shall in no manner and to no extent whatever be affected by such abrogation.

Third. The judicial tribunals of the Cherokee Nation shall have exclusive juris-

Appraisers.

Limit for improvements.

Value of the use.

the value of his improvements, as the same shall be appraised by a board of three appraisers, to be appointed by the President of the United States, one of the same upon the recommendation of the principal chief of the Cherokee Nation, for that purpose, shall be paid to him by the Cherokee Nation; and upon such payment such improvements shall become the property of the Cherokee Nation: "*Provided*, That the amount so paid for said improvements shall not exceed the sum of two hundred and fifty thousand dollars: *And provided further*, That the appraisers in determining the value of such improvements may consider the value of the use and occupation of the land.

Further amendments.

Further amend the same by striking out paragraph three of article two of said agreement and changing the numbers of the subsequent paragraphs to correspond.

Amended agreements to be carried out, etc.

Proviso.

Appropriation immediately available.

Remainder payable in five annual installments.

And the provisions of said agreements so amended shall be fully performed and carried out on the part of the United States: *Provided*, That the money hereby appropriated shall be immediately available and the remaining sum of eight million three hundred thousand dollars or so much thereof as is required to carry out the provisions of said agreement as amended and according to this act, to be payable in five equal

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diction in all civil and criminal cases arising in the Cherokee country, in which members of the Cherokee Nation, by nativity or adoption, shall be the only parties.

Fourth. The United States shall, without delay, render to the Cherokee Nation, through any agent appointed by authority of the national council, a complete account of moneys due the Cherokee Nation under any of the treaties ratified in the years 1817, 1819, 1825, 1828, 1833, 1835–6, 1846, 1866, and 1868, and any laws passed by the Congress of the United States for the purpose of carrying said treaties, or any of them, into effect; and upon such accounting, should the Cherokee Nation by its national council conclude and determine that such accounting is incorrect or unjust, then the Cherokee Nation shall have the right within twelve (12) months to enter suit against the United States in the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for any alleged or declared amount of money promised but withheld by the United States from the Cherokee Nation, under any of said treaties or laws, which may be claimed to be omitted from, or improperly or unjustly or illegally adjusted in, said accounting; and the Congress of the United States shall, at its next session after such case shall be finally decided and certified to Congress according to law, appropriate a sufficient sum of money to pay such judgment to the Cherokee Nation should judgment be rendered in her favor; or if it shall be found upon such accounting that any sum of money has been so withheld, the amount shall be duly appropriated by Congress, payable to the Cherokee Nation upon the order of its national council, such appropriation to be made by Congress if then in session, and if not, then at the session immediately following such accounting.

Fifth. That any citizen of the Cherokee Nation who, prior to the first day of November, 1891, was a bona fide resident upon and further had, as a farmer and for farming purposes, made permanent and valuable improvements upon any part of the land herein ceded and who has not disposed of the same, but desires to occupy the particular lands so improved as a homestead and for farming purposes, shall have the right to select one-eighth of a section of land, to conform, however, to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements. The wife and children of any such citizen shall have the same right of selection that is above given to the citizen, and they shall have the preference in making selections to take any lands improved by the husband and father that he can not take until all of his improved land shall be taken.

That any citizen of the Cherokee Nation not a resident within the land herein ceded who, prior to the first day of November, 1891, had for farming purposes made valuable and permanent improvements upon any of the land herein ceded, shall have the right to select one-eighth of a section of land to conform to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements.

It is further agreed and understood that the number of such allotments shall not exceed seventy (70) in number; and the land allotted shall not exceed five thousand and six hundred (5,600) acres; that such allotments shall be made and confirmed under such rules and regulations as shall be prescribed by the Secretary of the Interior, and when so made and confirmed shall be conveyed to the allottees, respectively, by the United States in fee simple.

It is further agreed that from the price to be paid to the Cherokee Nation for the cession herein provided for there shall be deducted the sum of one dollar and forty cents ($1.40) for each acre so taken in allotment.

Sixth. That in addition to the foregoing-enumerated considerations for the cession and relinquishment of title to the lands hereinbefore provided, the United States

Interest.

Appropriation for annual interest.

Share of Delawares and Shawnee retained.

Retention to pay Cherokee freedmen.

Post, p. 556.

Acceptance by Cherokee Nation of any of this money to operate as a ratification.

[27 Stat., 642.]

Railroad company not to be benefited, etc.

Nor to make further compensation to Cherokee Nation.

annual instalments, commencing on the fourth day of March, eighteen hundred and ninety-five, and ending on the fourth day of March, eighteen hundred and ninety-nine, said deferred payments to bear interest at the rate of four per centum per annum, to be paid annually, and the amount required for the payment of interest as aforesaid is hereby appropriated: *And provided further*, That of the money hereby appropriated a sufficient amount to pay the Delawares and Shawnees their pro rata share in the proceeds of said outlet shall remain in the Treasury of the United States until the status of said Delaware and Shawnee Indians shall be determined by the courts of the United States before which their suits are now pending; and a sufficient amount shall also be retained in the Treasury to pay the freedmen who are citizens of the Cherokee Nations or their legal heirs and representatives such sums as may be determined by the courts of the United States to be due them. Nor shall anything herein be held to abridge or deny to said freedmen any rights to which they may be entitled under existing laws or treaties. The acceptance by the Cherokee Nation of Indians of any of the money appropriated as herein set forth shall be considered and taken and shall operate as a ratification by said Cherokee Nation of Indians of said agreement, as it is hereby proposed to be amended, and as a full and complete relinquishment and extinguishment of all their title, claim, and interest in and to said lands; but such relinquishment and extinguishment shall not inure to the benefit of any railroad company nor vest in any railroad company any right title or interest in or to any of said lands: *Provided*, said railroad shall be relieved from any further payments of compensation to said Cherokee Nation as required by law for running said railroad across said Cherokee outlet.

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shall pay to the Cherokee Nation, at such time and in such manner as the Cherokee national council shall determine, the sum of eight million five hundred and ninety-five thousand seven hundred and thirty-six and twelve one-hundredth ($8,595,736.12) dollars, in excess of the sum of seven hundred and twenty-eight thousand three hundred and eighty-nine and forty-six one-hundredth ($728,389.46) dollars, the aggregate of amounts heretofore appropriated by Congress and charged against the lands of the Cherokees west of the Arkansas River; and also in excess of the amount heretofore paid by the Osage Indians for their reservation. So long as the money, or any part of it, shall remain in the Treasury of the United States after this agreement shall have become effective, such sum so left in the Treasury of the United States shall bear interest at the rate of 5 per cent per annum, payable semiannually.

Provided, That the United States may at any time pay to said Cherokee Nation the whole or any part of said sum, and thereupon terminate the obligation of the United States in respect to so much thereof as shall be so paid, and in respect to any further interest upon the same: *Provided further*, That should the Cherokee Nation determine to distribute said money or any part thereof, principal or interest, to any of its citizens *per capita*, and should the classes of persons provided for in the ninth and fifteenth articles of the treaty of July 19, 1866, claim that in such distribution they have been unjustly or illegally discriminated against, then, on complaint made by such persons, Congress shall by law authorize a suit in a proper court, by and between such classes of persons and the United States and the Cherokee Nation, to determine that question, giving to any party thereto the right of appeal to the Supreme Court of the United States, and providing that such suit or suits may in proper manner be advanced upon the dockets of such courts to secure a speedy hearing of the same; and the United States shall retain a sufficient sum of such money under its control to adjust and relieve such discrimination, should it be adjudged that such discrimination has been made. It is expressly understood that this agreement ceding and relinquishing the title to the lands herein described shall not be effective for any purpose whatever until it shall in its entirety be ratified by Congress, and the amount of money herein agreed to be paid to the Cherokee Nation for such cession and relinquishment shall have been appropriated by Congress and placed in the Treasury of the United States, subject to the order of the Cherokee national council: *Provided further*, That nothing contained in this agreement shall have the effect to limit or impair any rights whatever the Cherokee Nation has in or to or over the lands herein ceded until it shall be so ratified by Congress; and

Provided further, That if this agreement shall not be ratified by Congress and the appropriation of money, as herein provided for, made on or before March 4, 1893, it shall be utterly void.

Unallotted lands to become public domain.

School sections reserved.

Cherokee Council may issue a loan for deferred payments, etc.

And said lands, except the portion to be allotted as provided in said agreement, shall, upon the payment of the sum of two hundred and ninety-five thousand seven hundred and thirty-six dollars, herein appropriated, to be immediately paid, become and be taken to be and treated as a part of the public domain. But in any opening of the same to settlement, sections sixteen and thirty-six in each township, whether surveyed or unsurveyed, shall be, and are hereby reserved for the use and benefit of the public schools to be established within the limits of such lands, under such conditions and regulations as may be hereafter enacted by Congress: *Provided*, That if the legislative Council of the Cherokee Nation shall deem it more advantageous to their people they may issue a loan for the principal and interest of the deferred payments pledging said amounts of interest and principal to secure payment of such debt.

Chilocco Indian Industrial School lands reserved from public settlement.

Other reservations may be made by Presidential proclamation.

Sections thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and the east half of sections seventeen, twenty and twenty-nine, all in township numbered twenty-nine north, of range numbered two east of the Indian Meridian, the same being lands reserved by Executive order dated July twelfth, eighteen hundred and eighty-four, for use of and in connection with the Chilocco Indian Industrial School, in the Indian Territory, shall not be subject to public settlement, but shall, until the further action of Congress, continue to be reserved for the purposes for which they were set apart in the said Executive order. And the President of the United States, in any order or proclamation which he shall make for the opening of the lands for settlement, may make such other reservations of lands for public purposes as he may deem wise and desirable.

President to make proclamation opening lands to settlement.

26 Stat., 81.
County divisions, etc.

School-land leases.

26 Stat., 1026.

Exceptions.

Additional payments by settlers before receiving patent.

[27 Stat., 643.]

Interest.

The President of the United States is hereby authorized, at any time within six months after the approval of this act and the acceptance of the same by the Cherokee Nation as herein provided, by proclamation, to open to settlement any or all of the lands not allotted or reserved, in the manner provided in section thirteen of the act of Congress approved March second, eighteen hundred and eighty-nine, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes" (Twenty-fifth United States Statutes, page ten hundred and five); and also subject to the provisions of the act of Congress approved May second, eighteen hundred and ninety, entitled "An act to provide a temporary government for the Territory of Oklahoma to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes;" also, subject to the second proviso of section seventeen, the whole of section eighteen of the act of March third, eighteen hundred and ninety-one, entitled "An act making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes;" except as to so much of said acts and sections as may conflict with the provisions of this act. Each settler on the lands so to be opened to settlement as aforesaid shall, before receiving a patent for his homestead, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of two dollars and fifty cents per acre for any land east of ninety-seven and one half degrees west longitude, the sum of one dollar and a half per acre for any land between ninety-seven and one-half degrees west longitude and ninety-eight and one-half degrees west longitude, and the sum of one dollar per acre for any land west of ninety-eight and one half degrees west longitude, and shall also pay interest upon the amount so to be paid for said land from the date of entry to the date of final payment therefor at the rate of four per centum per annum.

No person to enter until proclamation issues.

No person shall be permitted to occupy or enter upon any of the lands herein referred to, except in the manner prescribed by the proclamation of the President opening the same to settlement; and any person otherwise occupying or entering upon any of said lands shall forfeit all right to acquire any of said lands. The Secretary of the Interior shall, under the direction of the President, prescribe rules and regulations, not inconsistent with this act, for the occupation and settlement of said lands, to be incorporated in the proclamation of the President, which shall be issued at least twenty days before the time fixed for the opening of said lands.

Rules, etc., for occupation, etc., of lands.

Time of issue of proclamation.

Allotments.

The allotments provided for in the fifth section of said agreement shall be made without delay by the persons entitled thereto, and shall be confirmed by the Secretary of the Interior before the date when said lands shall be declared open to settlement; and the allotments so made shall be published by the Secretary of the Interior, for the protection of proposed settlers. And a sum equal to one dollar and forty cents per acre for the lands so allotted shall be deducted from the full amount of the deferred payments, hereby appropriated for: *Provided*, That D. W. Bushyhead, having made permanent or valuable improvements prior to the first day of November, eighteen hundred and ninety-one, on the lands ceded by the said agreement, he shall be authorized to select a quarter section of the lands ceded thereby, whether reserved or otherwise, prior to the opening of said lands to public settlement; but he shall be required to pay for such selection, at the same rate per acre as other settlers, into the Treasury of the United States in such manner as the Secretary of the Interior shall direct.

Deduction from deferred payments for allotted lands.

D. W. Bushyhead may have prior selection of certain land.

Payment.

Land offices.

The President of the United States may establish, in his discretion, one or more land offices to be located either in the lands to be opened, or at some convenient place or places in the adjoining organized Territory of Oklahoma; and to nominate, and by and with the advice and consent of the Senate, to appoint registers and receivers thereof.

Registers and receivers.

Compensation, etc., of appraisers.

Immediately available.

The sum of five thousand dollars, or so much thereof as may be necessary, the same to be immediately available, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the services of the appraiser to be appointed as aforesaid, at a rate not exceeding ten dollars a day for the time actually employed by each appraiser, and their reasonable expenses, and to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to effect the removal of intruders required by the first paragraph of article two of said agreement as amended.

Limit.

Removal of intruders.

Expert accountants.

Immediately available.

The sum of five thousand dollars, or so much thereof as may be necessary, the same to be immediately available, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to employ such expert person or persons to properly render a complete account to the Cherokee Nation of moneys due said nation, as required in the fourth subdivision of article two of said agreement.

Tonkawa Indian lands.

TONKAWA INDIAN LANDS

Payment for land relinquished to the United States.

SEC. 11. That the sum of thirty thousand six hundred dollars, or so much thereof as may be necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available, to pay the Tonkawa tribe of Indians in the Territory of Oklahoma for all their right, title, claim, and interest of every kind and character in and to four townships of land, containing ninety thousand seven hundred and ten and eighty-nine one-hundredths acres, more or less, ceded, conveyed, and relinquished to the United States

[27 Stat., 644.]

by article one of an agreement concluded on the twenty-first day of October, eighteen hundred and ninety-one, between David H. Jerome, Alfred M Wilson, and Warren G Sayre, duly appointed commissioners on the part of the United States, and said Tonkawa tribe of Indians, which agreement is contained in the message of the President communicating the same to Congress, and known as Executive Document Numbered Thirteen, first session fifty-second Congress, to be paid and applied in the manner provided for in said agreement. And such portion of said amount as may be deposited in the Treasury of the United States shall bear interest at the rate of five per centum per annum, which interest shall be applied as provided in said agreement; and said agreement is hereby accepted, ratified, and confirmed.[a]

Manner of payment, etc.

Interest, etc.

Ratification, etc., of agreement.

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[a] AGREEMENT WITH TONKAWAS.

Articles of agreement made and concluded at the Ponca Indian Agency, in the Indian Territory, on the 21st day of October, A. D. 1891, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Tonkawa tribe of Indians in said Territory, represented by the adult male members of said tribe.

Article I.

The said Tonkawa tribe of Indians in the Indian Territory for the consideration hereinafter recited, hereby cede, convey, and forever relinquish to the United States all their right, title, claim, and interest of every kind and character in and to the following described tract of country in said Indian Territory, to wit: Township twenty-five (25) north of range one (1) west; township twenty-sixth (26) north of range one (1) west; township twenty-five (25) north of range two (2) west, and township twenty-six (26) north of range two (2) west, containing ninety thousand seven hundred and ten and eighty-nine hundredths (90,710.89) acres, more or less, which is the same tract of country conveyed by the Cherokee Nation to the United States, in trust for the use and benefit of the Nez Percés tribe of Indians by deed dated June 14, 1883, under the provisions of the act of Congress of March 3rd, 1883.

Article II.

The allotments of land to said Tonkawa tribe of Indians, made and completed by Miss Helen P. Clark, an alloting agent duly appointed for the purpose, during the summer of the year 1891, shall be confirmed to said Indians, respectively, and governed by all the conditions, qualifications, and limitations recited in a certain act of Congress entitled "An act to provide for the allotment of lands in severalty to the Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891: *Provided*, That in all cases where the allottee has died since said allotting agent set off and scheduled land to such person the law of descent and partition in force in Oklahoma Territory shall apply thereto, any existing law to the contrary notwithstanding.

Article III.

For greater particularity and certainty of description a copy of the schedule of lands allotted by said Miss Helen P. Clark is hereto attached, marked Exhibit A, and made a part hereof.

Article IV.

It is hereby further agreed that in addition to the allotments of land above stated there shall be allotted a like quantity of land to any member of said tribe who may hereafter be born and shall be living at the date of the ratification of this contract by Congress; and any such allotment shall be governed by the law of descent and partition mentioned in Article II hereof.

Article V.

Indians who by nativity belong to other tribes, but who have abandoned such other tribes, and have been adopted by and are now living with and recognized as members of said tribe by said Tonkawa tribe of Indians, shall have all the rights under this agreement provided for members of said tribe by nativity, and all payments of money provided for herein shall be made, as nearly as practicable, per capita to all members of said tribe, native and adopted.

Article VI.

As a further and only additional consideration for such cession, conveyance, and relinquishment, the United States agrees to pay to said tribe of Indians the sum of

Pawnee Indian lands.

PAWNEE INDIAN LANDS.

Payment to Pawnee Indians, Oklahoma, for cession of lands between the Cimarron and Arkansas rivers.

See 1876, ch. 51, ante, p. 159.

Sec. 12. That the sum of eighty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available, to pay the Pawnee tribe of Indians in Oklahoma, formerly a part of the Indian Territory, for all their right, title, claim, and interest of every kind and character in and to all that tract of country between the Cimarron and Arkansas rivers embraced within the limits of seventeen specified Townships of land, ceded, conveyed, and relinquished to the United States by said Pawnee tribe of Indians, by article one of an agreement concluded on the twenty-third day of November, eighteen hundred and ninety-two, between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, and said Pawnee tribe of Indians, which agreement is contained in the message of the President communicating the same to Congress, and known as Executive Document Number Sixteen, second session Fifty-second Congress, to be paid and applied in the manner provided in article four of said agreement. And the further sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available, to pay the expense of making the allotments provided for in said agreement, including the pay and expenses of necessary special agents hereby authorized to be appointed by the President for the purpose of making such allotments, and to pay the expense of necessary resurveys therefor. Said agreement is hereby accepted, ratified, and confirmed. And the residue of the proceeds of the surplus lands mentioned in said agreement shall be placed to the credit of said tribe in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum, said interest to be paid and distributed to said tribe as provided in said article four.[a]

Payment, etc.

Immediately available.

Compensation, etc., of special allotting agents.

Interest.

Distribution.

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thirty thousand and six hundred ($30,600.00) dollars, in manner as follows: Twenty-five ($25) dollars to be paid in cash to each member of said tribe within sixty days after this contract shall be ratified by Congress; fifty ($50) dollars to be paid out for each member of said tribe, under the direction of the Commissioner of Indian Affairs, within six months after this contract shall be ratified by Congress, and the residue of said sum of thirty thousand and six hundred ($30,600.00) dollars shall be retained in the Treasury of the United States, and bear interest at the rate of five per centum interest per annum, payable annually to said Indians per capita, or, in the discretion of the Commissioner of Indian Affairs, paid out by him for the use of said Indians, but as nearly as may be per capita.

ARTICLE VII.

This contract shall have effect when ratified by the Congress of the United States.

[a] AGREEMENT WITH PAWNEE.

Articles of agreement made and entered into by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Pawnee tribe of Indians in the Indian Territory.

ARTICLE I.

The Pawnee tribe of Indians, in the Indian Territory, for the considerations hereinafter set forth, hereby cedes, conveys, releases, relinquishes, and surrenders to the United States all its title, claim, and interest, of every kind and character, in and to the following-described reservation in the Indian Territory, to-wit:

All of that tract of country between the Cimarron and Arkansas rivers, embraced within the limits of townships twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) north, of range four (4) east; townships eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) north, of range five (5) east; townships eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), and twenty-three (23) north, of range six (6) east, of the Indian meridian.

ARTICLE II.

Whereas the President of the United States, by virtue of the authority conferred upon him by law, has directed that the individual members of said tribe of Indians

Lands to become part of public domain.
School sections reserved.
Open to settlement on proclamation by President.
Additional fee.
Interest.
[27 Stat., 645.]

SEC. 13. That the lands acquired by the agreements specified in the two preceding sections are hereby declared to be a part of the public domain. Sections sixteen and thirty-six in each township, whether surveyed or unsurveyed, are hereby reserved from settlement for the use and benefit of public schools, as provided in section ten relating to lands acquired from the Cherokee Nation of Indians. And the lands so acquired by the agreements specified in the two preceding sections not so reserved shall be opened to settlement by proclamation of the President at the same time and in the manner, and subject to the same conditions and regulations provided in section ten relating to the opening of the lands acquired from the Cherokee Nation of Indians. And each settler on the lands so to be opened as aforesaid shall, before receiving a patent for his homestead, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of two dollars and fifty cents per acre; and shall also pay interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of four per centum per annum.

County divisions.
Provisos.
Payne County.
County names.
County seats.

SEC. 14. Before any of the aforesaid lands are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties which shall contain as near as possible not less than five hundred square miles in each county. In establishing said county line the Secretary is hereby authorized to extend the lines of the counties already located so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act: *Provided*, That range one west and ranges one, two, three, and four east, in township twenty, shall be attached to, and become a part of, Payne County. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county: *Provided further*, That as soon as the county lines are designated by the Secretary he shall reserve not to exceed one-half section of land in each county, to be located for county-seat purposes, to be entered

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shall take allotments of land in said reservation and hold the titles thereto in severalty; and

Whereas an allotting agent has been appointed to set apart such allotments and is now engaged in the prosecution of that work:

It is agreed that the allotments of land made and to be made under such direction of the President shall in all things be confirmed. The title to the allotments so made shall in all things, except as herein otherwise expressly provided, be governed by all the conditions and limitations contained in the law of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891: *Provided, however*, That said Indians shall be diligent in selecting their said land, and all allotments shall be selected and designated within four months after this agreement shall be ratified by the Congress of the United States, unless the Secretary of the Interior in his discretion shall extend said time: *And provided further*, Such allotments shall be selected by the allottee, himself or herself, when over the age of eighteen years; but for allottees of said tribe under the age of eighteen years the father, if living, but if dead then the mother, shall select such allotment; and if neither father nor mother be living, then such allotment shall be made by the agent, for the time being, in charge of the affairs of said tribe: *Provided further*, That all members of said tribe who shall be born prior to the final completion of the allotting of said lands as herein provided for shall have the right to allotments under this agreement, and that allotments made or to be made by said allotting agent shall continue in force and be confirmed even if the allottee shall die before the final completion of such allotting, and in such cases the law of partition and descent of the State or Territory wherein such land is situated shall govern: *And provided further*, That no allotment shall be taken on land now being used for church or educational purposes, or for public use by the United States, or on sections sixteen (16) and thirty-six (36) in each township, except where the allottee may have heretofore made improvements on said sections, and in that case the allottee may take his or her allotment on such sections, to cover his or her improvements, but according to legal subdivisons: *And provided further*, That in all cases where members of said tribe have already taken allotments of land in said reservation, in pursuance of and according to the provisions of section 5 of an act of Congress entitled "An act to authorize the sale of the Pawnee Reservation," approved April 10, 1876, such allotments shall be confirmed, if the allottee shall so elect, and the titles thereto held

R. S., secs. 2387, 2388.

To be specified in proclamation.

under sections twenty-three hundred and eighty-seven and twenty-three hundred and eighty-eight of the Revised Statutes. And all reservations for county seats shall be specified in any order or proclamation which the President shall make for the opening of the lands to settlement.

Allotments to Cherokee, Creek, Choctaw, and Seminole. See note to 1898, ch. 517, post, p. 656; see note to 1898, ch. 542, post, p. 662.

Allottees to be deemed citizens.

Survey of allotted lands.

Rights of United States to cease.

SEC. 15. The consent of the United States is hereby given to the allotment of lands in severalty not exceeding one hundred and sixty acres to any one individual within the limits of the country occupied by the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles; and upon such allotments the individuals to whom the same may be allotted shall be deemed to be in all respects citizens of the United States. And the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the survey of any such lands as may be allotted by any of said tribes of Indians to individual members of said tribes; and upon the allotment of the lands held by said tribes respectively the reversionary interest of the United States therein shall be relinquished and shall cease.

Negotiations with the Five Civilized Tribes in Indian Territory.

Commission to be appointed.

SEC. 16. The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three commissioners to enter into negotiations with the Cherokee Nation the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation; the Seminole Nation, for the purpose of the extinguishment of the national or tribal title to any lands within that Territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be

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according to the provisions of this agreement. In such cases, however, the allottee shall have no right to any additional allotment under the law or this agreement.

ARTICLE III.

It is further agreed that article 2 of the treaty between the United States and the chiefs and headmen of the four confederate bands of Pawnee Indians, viz, Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappahs, and generally known as the Pawnee tribe, proclaimed May 26, 1858, so long as the same shall be in force, is hereby amended so as to read as follows:

"The United States agrees to pay to the Pawnees the sum of thirty thousand dollars per annum, as a perpetual annuity, to be distributed annually among them per capita, in coin, unless the President of the United States shall from time to time otherwise direct. But it is further agreed that the President may, at any time in his discretion, discontinue said perpetuity by causing the value of a fair commutation thereof to be paid to or expended for the benefit of said Indians in such manner as to him shall seem proper."

ARTICLE IV.

As an additional and only further consideration for such cession and conveyance, the United States agrees to pay to said tribe the sum of one dollar and twenty-five cents per acre for all the surplus land in said reservation, after the allotments herein provided for shall have been taken and approved by the Secretary of the Interior, payable as follows: Eighty thousand dollars in coin, to be distributed among them per capita at the subagency on said reservation upon the ratification of this agreement by Congress, and the residue of the proceeds of said surplus lands shall be placed to the credit of said tribe in the Treasury of the United States, and bear interest at the rate of five per centum per annum, there to remain at the discretion of the United States, the interest to be paid annually and be distributed to said tribe per capita on said reservation.

ARTICLE V.

This agreement shall not have the effect to repeal, modify, or change any of the treaty stipulations now in force between the United States and said Pawnee tribe of Indians, except in the manner and to the extent herein expressly or by necessary implication provided for.

ARTICLE VI.

This agreement shall become effective when ratified by the Congress of the United States.

entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.

Salaries, etc., of commissioners.

Secretary, stenographer, and interpreter.

[27 Stat., 646.]

Surveyor, etc.

The commissioners so appointed shall each receive a salary, to be paid during such time as they may be actually employed, under direction of the President, in the duties enjoined by this act, at the rate of five thousand dollars per annum, and shall also be paid their reasonable and proper expenses incurred in prosecution of the objects of this act, upon accounts therefor to be rendered to and allowed by the Secretary of the Interior from time to time. That such commissioners shall have power to employ a secretary, a stenographer, and such interpreter or interpreters as may be found necessary to the performance of their duties, and by order to fix their compensation, which shall be paid, upon the approval of the Secretary of the Interior, from time to time, with their reasonable and necessary expenses, upon accounts to be rendered as aforesaid; and may also employ, in like manner and with the like approval, a surveyor or other assistant or agent, which they shall certify in writing to be necessary to the performance of any part of their duties.

Regulations, etc.

Duties of commission.

As to allotment of lands in severalty to Indians.

Cession of other lands to United States.

Agreements for interest, etc.

Power and objects of the commission.

Such commissioners shall, under such regulations and directions as shall be prescribed by the President, through the Secretary of the Interior, enter upon negotiation with the several nations, of Indians as aforesaid in the Indian Territory, and shall endeavor to procure, first, such allotment of lands in severalty to the Indians belonging to each such nation, tribe, or band, respectively, as may be agreed upon as just and proper to provide for each such Indian a sufficient quantity of land for his or her needs, in such equal distribution and apportionment as may be found just and suited to the circumstances; for which purpose, after the terms of such an agreement shall have been arrived at, the said commissioners shall cause the lands of any such nation or tribe or band to be surveyed and the proper allotment to be designated; and, secondly, to procure the cession, for such price and upon such terms as shall be agreed upon, of any lands not found necessary to be so allotted or divided, to the United States; and to make proper agreements for the investment or holding by the United States of such moneys as may be paid or agreed to be paid to such nation or tribes or bands, or to any of the Indians thereof, for the extinguishment of their therein. But said commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a Territory of the United States with a view to the admission of the same as a state in the Union.

Reports.

The commissioners shall at any time, or from time to time, report to the Secretary of the Interior their transactions and the progress of their negotiations, and shall at any time, or from time to time, if seperate agreements shall be made by them with any nation, tribe or band, in pursuance of the authority hereby conferred, report the same to the Secretary of the Interior for submission to Congress for its consideration and ratification.

Available.

For the purposes aforesaid there is hereby appropriated, out of any money in the Treasury of the United States, the sum of fifty thousand dollars, to be immediately available.

Right of sovereignty of the United States not waived, etc.

Neither the provisions of this section nor the negotiations or agreements which may be had or made thereunder shall be held in any way to waive or impair any right of sovereignty which the Government of the United States has over or respecting said Indian Territory or the people thereof, or any other right of the Government relating to said Territory, its lands, or the people thereof.

Approved, March 3, 1893.

Mar. 3, 1893.
27 Stat., 744.

CHAP. 219.—An act for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin.

Preamble.
Vol. 2, p. 742.

Whereas, a treaty was entered into on the fifth day of February, eighteen hundred and fifty-six, by and between the Government of the United States and the Stockbridge and Munsee Indians, in which the said Indians ceded certain lands to the United States, and accepted in consideration thereof certain lands as a reservation, to which said Indians removed, and upon which they have ever since resided; and

Act of Feb. 6, 1871, ante, p. 125.

Whereas by the interpretation placed by Government officials on the act of February sixth, eighteen hundred and seventy-one, an act for the relief of said Indians, a large part of said Indians (and their descendants) who signed said treaty of eighteen hundred and fifty-six, and have continued with said tribe from the making of said treaty to the present time, are excluded from participating in tribal funds and the right to occupy said reservation: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Stockbridge and Munsee Indians, Wisconsin.
Distribution of tribal funds.
Vol. 2, p. 556.

Share in tribal funds and lands.

Fee simple ownership.
Patents to issue.

That all persons who were actual members of said tribe of Indians at the time of the execution of the treaty of February fifth, eighteen hundred and fifty-six, and their descendants, and all persons who became members of the tribe under the provisions of article six of said treaty, and their descendants, who did not in and by said treaty, and have not since its execution, separated from said tribe, are hereby declared members of said Stockbridge and Munsee tribe of Indians and entitled to their pro rata share in tribal funds and in the occupancy of tribal lands; and all members who entered into possession of lands under the allotments of eighteen hundred and fifty-six and of eighteen hundred and seventy-one, and who by themselves or by their lawful heirs have resided on said lands continuously since, are hereby declared to be owners of such lands in fee simple, in severalty, and the Government shall issue patents to them therefor.

Enrollment to be taken and filed.

Proviso.
Prior allotments.

SEC. 2. That it shall be the duty of the Secretary of the Interior, without unnecessary delay after the passage of this act, to cause to be taken an enrollment of said tribe on the basis of the provisions of this act, which enrollment shall be filed, a copy in the Department of the Interior and a copy in the records of said tribe: *Provided*, that in all cases where allotments of eighteen hundred and seventy-one shall conflict with allotments of eighteen hundred and fifty-six, the latter shall prevail.

Approved, March 3, 1893.

Mar. 3, 1893.
27 Stat., 747.

CHAP. 224.—An act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory.

Interoceanic Railway Company may construct railway, etc., line through Indian Territory and Oklahoma.
1898, ch. 101, post, p. 994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interoceanic Railway, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railroad, telegraph, and telephone lines, wherever said lines pass through the Indian Territory or through any Indian reservation, or lands reserved for Indian purposes or allotted to indi-

Location.
Branch in Choctaw Nation.
Branch in Seminole Nation.
Sidings, etc.

vidual Indians within the Territory of Oklahoma, commencing at a point on the west line of Sebastian County in the State of Arkansas, and south of the corporate limits of the city of Fort Smith from the point of entrance into the Indian Territory, running in a westerly direction through the said Indian Territory and the Territory of Oklahoma, to a point on the west line of the said Territory of Oklahoma, between the North Canadian and the Washita rivers, with a branch running from the main line in the Choctaw Nation in a southerly or southwesterly direction by the most feasible and practicable route, to a point on the Red River at or near the city of Denison, Texas; also a branch beginning at a point in the Seminole Nation near the Wewoha river, running thence in a northerly or northwesterly direction to a point on the south line of the State of Kansas at or near the town of Otto in said State of Kansas, with the right to construct, use, and maintain such tracts, turnouts, branches, and sidings and extensions as said company may deem it in their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.
Addition for stations, etc.
Additional for cuts and fills.
Proviso.
Limit.
Lands not to be sold, etc.
Reversion.

SEC. 2. That the said corporation is authorized to take and use for all purposes of railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory and other Indian reservations, or lands reserved for Indian purposes or allotted to individual Indians, in Oklahoma Territory for said main line and branches of the Interoceanic Railway Company; and to take and use a strip of land three hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians or individual allottee from which the same shall be taken.

Damages.
Referees.
Oath, etc.
Substitution on failure to appoint.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, or by allotment under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, or, in the case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy

Hearings.
Compensation.
Costs.
Award.
Appeal.
Costs on appeal.

shall be filled by the district judge of the United States district court held in the Territory where the property is situated, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs including compensation of the referees, shall be made a part of the award and be paid by such railway company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States district court held nearest the property, which court shall have jurisdiction to hear and determine the subject matter of said petition, according to the laws of the Territory in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant.

Work may begin on depositing double award.

If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight charges.
Provisos.
Passenger rates.
Regulation of charges.
Interstate transportation.
Maximum.
Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territories a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services and transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until the State government or governments shall exist in said Territories within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.
Proviso.
Appeal by general councils.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands the said railway may be located, the sum of fifty dollars, in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territories, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided* That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of

Award to be in lieu of compensation.

Annual rental.

Taxation.

Survey, etc.

maps of definite location as set forth in section six of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said lands are owned and occupied by the Indians in their present tribal relations and not as citizens of the United States, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct through said lands. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force between the United States and said nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed, through which said railway shall have been established, may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed.

Proviso.

Grading to begin on filing of map.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territories to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That, when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Jurisdiction.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and the northern district of Texas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Interoceanic Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of parties, so far as may be necessary to carry out the provisions of this act.

Construction.

SEC. 9. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this act, and complete the main line of the same within said Territory within three years thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Crossings, etc.

Condition of acceptance.

SEC. 10. That the said Interoceanic Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing of the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Violation, to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

No assignment before construction.

Construction liens, etc., excepted.

SEC. 13. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, March 3, 1893.

January 18, 1893.

27 Stat., 753.

RESOLUTION No. 7.—Joint resolution to authorize the Secretary of the Treasury to cover back into the Treasury forty-eight thousand eight hundred dollars of the appropriation to Choctaw and Chickasaw Indians.

Choctaw and Chickasaw Indians.

Excess for lands covered into the Treasury.
1891, ch. 543, ante p. 418.
See note to 1896, ch. 517, post p. 656.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to retain and cover back into the Treasury forty-eight thousand eight hundred dollars of the appropriation made by Congress to pay the Choctaw and Chickasaw tribes of Indians for their interest in lands of the Cheyenne and Arapahoe Reservation, dated March third, eighteen hundred and ninety-one; which amount has been ascertained, by a recount of the allottees of said Cheyennes and Arapahoes, to be by that amount more than is due the said Choctaws and Chickasaws upon the purchase and settlement for their said interest: *Provided, however*, That neither the passage of the original act of appropriation to pay the Choctaw and Chickasaw tribes of Indians for their interest in the lands of the Cheyennes and Arapahoe reservation, dated March third, eighteen hundred and ninety-one, nor of this resolution, shall be held in any way to commit the Government to the payment of any further sum to the Choctaw and Chickasaw Indians for any alleged interest in the remainder of the lands situated in what is commonly known and called the "leased district."

Proviso.
No liability to pay for lands in "leased district."

Approved, January 18, 1893.

ACTS OF FIFTY-THIRD CONGRESS—FIRST SESSION, 1893.

Oct. 20, 1893.

28 Stat., 3.

CHAP. 5.—An act granting settlers on certain lands in Oklahoma Territory the right to commute their homestead entries, and for other purposes.

Public lands.

Homestead settlers in Oklahoma granted extension of time to make first payment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the homestead settlers on the Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe Indian lands, in Oklahoma Territory be, and they are hereby, granted an extension of one year within which to make the first payment provided for in section sixteen of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes," and such payment may be made at any time within three years from the date of the entry of such lands.

Patent may be issued in one year on payment of full price.

1891, c. 543, ante, p. 414, and note.

SEC. 2. That any person entitled by law to take a homestead in said Territory of Oklahoma who has already located and filed upon, or who shall hereafter locate and file upon a homestead within any of the lands in the Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe Indian lands and the Public Land Strip in Oklahoma Territory, and who has complied with all the laws relating to such homestead settlement, may receive a patent therefor at the expiration of twelve months from the date of locating upon such homestead, upon payment to the United States of one dollar and fifty cents per acre for the land embodied in such homestead: *Provided*, That homestead settlers in the Public Land Strip now Beaver County, Oklahoma, may receive such patent upon the payment to the United States of the sum of one dollar and twenty-five cents per acre.

Proviso.

Beaver County, Okla.

SEC. 3. That all acts in conflict with this act are hereby repealed.

Approved, October 20, 1893.

ACTS OF FIFTY-THIRD CONGRESS, SECOND SESSION, 1893–94.

Dec. 21, 1893.

28 Stat., 22.

CHAP. 9.—An Act To grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes.

Kansas, Oklahoma Central and Southwestern Railway Company may build railway, etc., line through Indian and Oklahoma Territories.

Location.

Indian Territory.

1897, c. 230, post, p. 617.

1899, c. 178, post, p. 678.

Oklahoma Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas, Oklahoma Central and Southwestern Railway Company, a corporation created under and by virtue of the laws of the Territory of Oklahoma, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory and Oklahoma Territory, including lands that have been allotted to Indians in severalty or reserved for Indian purposes, beginning at any point to be selected by said railway company on the south line of the State of Kansas, in the county of Montgomery, on the south line of section numbered thirteen or section numbered fourteen, township numbered thirty-five, range numbered thirteen east of the sixth principal meridian, or on the south line of section numbered thirteen or section numbered fourteen, township numbered thirty-five, range sixteen east of the sixth principal meridian, and running thence by the most practicable route through the Indian Territory to the west line thereof; thence in a south or southwesterly direction by the most practicable route into and through Oklahoma Territory to a point on the Texas State line and on Red River between said State of Texas and the Comanche and Apache Indian Reservation, in said Oklahoma Territory, by way of, at, or near Stillwater, Guthrie, and Elreno, in Oklahoma Territory, and passing through the Osage, Pawnee, Wichita, Comanche, and Apache Indian reservations, and through the organized counties of Payne, Logan, Oklahoma, and Canadian, in said Oklahoma Territory, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to their interest to construct along and upon the right of way and depot grounds herein provided for.

Right of way.

Stations, etc.

Provisos.

Limit for stations.

Sale, etc., prohibited.

Reversion.

SEC. 2. That said company is authorized to take and use, for all purposes of a railway and for no other purpose, a right of way one hundred feet in width through said Territories, and to take and use a strip of land two hundred feet in width with a length of three thousand feet in addition to right of way, for stations, for every ten miles of the road, with the right to use additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of lands shall be taken for any one station: *And provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company; and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which, or to the persons from whom, the same shall have been taken.

Damages.

Appraisement.

Referees.

Substitution on failure to appoint.

Hearings.

Compensation.

Witness fees.

Costs.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants by allotment under any law of the United States or agreement with the Indians or according to the laws, customs, and usages of any tribe of the Indians, nations, or tribes through which it may be constructed, full and complete compensation shall be made to such occupant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which such occupant belongs, or in the case of an allottee or by his duly authorized guardian or representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a court, or United States commissioner, an oath that they will faithfully, and impartially discharge the duties of their appointment, which oaths duly certified shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member, after due notice, and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the judge of the United States court for the first judicial division at Muscogee, Indian Territory, or by the judge of the United States court which has jurisdiction over said Indian reservations; upon the application of the other party the chairman of said board shall appoint the time and place for all hearings within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nation; costs, including compensation of the referees, shall be made a part of the award and be paid by said railway company. In case the referees can

Appeal.

Costs on appeal.

Work may proceed on deposit of double award.

not agree, then any two of them are authorized to make the award; either party being dissatisfied with the finding of the referees shall have the right within ninety days after making of the award, and notice of the same, to appeal by original petition to the courts of the Indian Territory at Muscogee, or to the courts which have jurisdiction over the respective Indian reservations which courts shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Kansas providing for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum or less than the award of the referees, then the cost shall be adjudged against the appellant unless the judgment of the court shall be for the railroad company, in which case the cost shall be against the claimant; when proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Freight charges.

Provisos.
Passenger rates, etc.

Maximum.

Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territories a greater rate of freight than the rates authorized by laws of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile, Congress reserving the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government shall be authorized to fix and regulate the cost of transportation of persons and freight within its respective limits by said railway company, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rates above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

Proviso.
Appeal by general council.

Award to be in lieu of compensation.

Annual rental.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territories through Indian lands; said payment to be made in installments of one thousand two hundred and fifty dollars as each working section of twenty-five miles is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall within four months after filing of the maps of definite location, as set forth in section six of this act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided for in section three for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the courts upon the same conditions, terms, and requirements as therein provided: *Provided further*, That the amount of the award adjudged to be paid by said railway company for such dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions; said company shall also pay, so long as said Territory is owned or occupied by the Indians, Apportionment.

to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, as long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit, and any Territory or State hereafter formed through which said railway shall have been established may exercise the like powers as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Taxation.

Survey and location.

Maps to be filed.

SEC. 6. That said company shall cause maps, showing the route of its located line through said Territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of the nations or tribes through whose lands said railway may be located, and after filing said maps no claim for a subsequent settlement and improvements upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed, as herein provided for, said company shall commence grading said located line within two years thereafter or said location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Improvements.

Provisos.

Grading.

Approval of location.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with such intercourse laws.

Litigation.

SEC. 8. That the United States court having jurisdiction in respect of the Indian Territory and Oklahoma Territory and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas, Oklahoma Central and Southwestern Railway Company and the nations or tribes through whose territory said railway company shall construct its lines; said court shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company, and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory and Oklahoma Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Commencement and completion.

SEC. 9. That the said railway company shall build at least one hundred miles of its railway in said Territories within three years after the passage of this act, and complete the main line of the same within two years thereafter, or the right herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, roads, and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Crossings, etc.

Conditions of acceptance.

SEC. 10. That the said Kansas, Oklahoma Central and Southwestern Railway Company shall accept this right of way upon the expressed condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of lands or their occupancy than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railway company under this act.

Proviso.
Forfeiture.

Record of mortgages.

SEC. 11. That all mortgages executed by said company conveying any portion of its railway with the franchises, that may be constructed in said Indian Territory and Oklahoma Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and properties of said company as therein expressed subject to the provisions of this act.

Amendment, etc.

SEC. 12. That Congress may at any time amend, alter, or repeal this act, and the rights herein granted shall not be assigned or transferred in any way or form whatever except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, December 21, 1893.

Jan. 22, 1894.
28 Stat., 27.

CHAP. 14.—An act to extend the time for the construction of the railway of the Choctaw Coal and Railway Company.

Choctaw Coal and Railway Company.
Time extended for building road in Indian Territory.
Ante, p. 399.
1888, ch. 13, ante, p. 256.
Ante, p. 310.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the construction of the railway of the Choctaw Coal and Railway Company, a corporation organized under the laws of the State of Minnesota, which, by the provisions of the Act approved February twenty-first, eighteen hundred and ninety-one, entitled "An Act to amend an Act authorizing the Choctaw Coal and Railway Company to construct a road through the Indian Territory," will expire February eighteenth, eighteen hundred and ninety-four, shall be extended for a period of two years from that date, so that said company shall have until February eighteenth, eighteen hundred and ninety-six, to construct the lines of railway authorized by the Act approved February eighteenth, eighteen hundred and eighty-eight, entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," and the Act amendatory thereof, approved February thirteenth, eighteen hundred and eighty-nine, entitled "An Act to amend an Act entitled 'An Act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes,' approved February eighteenth, eighteen hundred and eighty-eight," and for such purpose the said company shall have the right to take and occupy the right of way and depot grounds heretofore granted to it by said Acts.

Approved, January 22, 1894.

Feb. 9, 1894.
28 Stat., 27.

CHAP. 26.—An act extending the time allowed the Umatilla Irrigation Company for the construction of its ditch across the Umatilla Indian Reservation, in the State of Oregon.

Umatilla Indian Reservation, Oreg.
Time extended for right of way.
1891, c. 129, ante p. 387.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time prescribed by the act of Congress of February tenth, eighteen hundred and ninety-one, for the completion of the irrigating ditch or canal of the Umatilla Irrigation Company across the Umatilla Indian Reservation, in the State of Oregon, is hereby extended for three years from said date.

Approved, February 9, 1894.

Feb. 10, 1894.
28 Stat., 37.

CHAP. 27.—An act for the relief of certain settlers upon the Iowa Reservation, Oklahoma Territory.

Iowa Reservation, Okla.
Homestead entries of adjoining lands.
1891, c. 165, ante p. [illegible].

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every homestead settler on the public lands on the left bank of the Deep Fork River in the former Iowa Reservation, in the Territory of Oklahoma, who entered less than one hundred and sixty acres of land, may enter, under the homestead laws, other lands adjoining the land embraced in his original entry when such additional lands become subject to entry, which additional entry shall not, with the lands originally entered, exceed in the aggregate one hundred and sixty acres: *Provided*, That where such adjoining entry is made residence shall not be required upon the lands so entered, but the residence and cultivation by the settler upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon the land embraced in his additional entry; but such lands so entered shall be paid for, conformable to the terms of the Act acquiring the same and opening it to homestead entry.

Proviso.
Residence not required.
Payment.

Approved, February 10, 1894.

May 7, 1894.
28 Stat., 72.

CHAP. 69.—An act to authorize the reconstruction of a bridge across the Niobrara River near the village of Niobrara, Nebraska, and making an appropriation therefor.

Niobrara River.
Appropriation for bridge across, at Niobrara, Nebr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of reaching the Ponca and Yankton Sioux Indian reservations, and for carrying supplies thereto, the Secretary of War be, and he is hereby, authorized and directed without unnecessary delay to cause to be reconstructed across the Niobrara River near the village of Niobrara, Nebraska, the Government bridge recently destroyed by floods. Said bridge shall be a substantial wooden or iron bridge, with the necessary approaches, and the sum of seven thousand dollars, or so much thereof as may be necessary to reconstruct said bridge, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Contract.

SEC. 2. That no part of the appropriation made by this act shall be paid out of the Treasury until a contract is entered into with responsible parties, with good and sufficient sureties, to be approved by the Secretary of War, for the construction and completion of said bridge, including the approaches, at a cost not exceeding the sum hereby appropriated. Said bridge, when reconstructed, shall be free to all travelers.

Free bridge.
Effect.

SEC. 3. That this act shall be in force from and after its passage and approval.

Approved, May 7, 1894.

May 30, 1894.
28 Stat., 84.

CHAP. 86.—An act to amend an act entitled "An act to provide for the sale of the remainder of the reservation of the Confederated Otoe and Missouria Indians in the States of Nebraska and Kansas, and for other purposes," approved March third, eighteen hundred and eighty-one.

Confederated Oto and Missouri Indian lands.
Allotment to Indians.
1881, c. 128, ante, p. 190.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any member of the said confederated tribes residing at the date of the aforesaid Act of March third, eighteen hundred and eighty-one, and whose names appear upon the schedule of appraisement made by the commissioners appointed under the provisions of the Act aforesaid, and approved by the Secretary of the Interior April seventeenth, eighteen hundred and eighty-three, upon any of the lands authorized to be sold by said Act shall make application for allotments of land the Secretary of the Interior shall cause a patent to issue to such person or his or her heirs who may be residing upon said lands at the date hereof, for the subdivisional tract or tracts of land (not exceeding one hundred and sixty acres of land to any one person) reported on the commissioners' schedule aforesaid as having been improved by such person: *Provided*, That the lands acquired by any Indian under the provisions of this act shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance by the grantee or his heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall remain inalienable and not subject to taxation, lien, or incumbrance for the period of ten years, which restriction shall be incorporated in the patent.

Proviso.

To remain inalienable ten years.

Approved, May 30, 1894.

June 6, 1894.

28 Stat., 86.

CHAP. 93.—An act defining and permanently fixing the northern boundary line of the Warm Springs Indian Reservation, in the State of Oregon.

Warm Springs Indian Reservation.

Boundary established.

Vol. 2, p. 714.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the true northern boundary line of the Warm Springs Indian Reservation, in the State of Oregon, as defined in the treaty of June twenty-fifth, eighteen hundred and fifty-five, made between the United States, represented by Joel Palmer, superintendent of Indian affairs of Oregon Territory, and the confederated tribes and bands of Indians in middle Oregon, in which the boundaries of the Indian reservation now called the Warm Springs Reservation were fixed, is hereby declared to be that part of the line run and surveyed by T. B. Handley, in the year eighteen hundred and seventy-one, from the initial point up to and including the twenty-sixth mile thereof; thence in a due west course to the summit of the Cascade Mountains, as found by the commissioners, Mark A. Fullerton, William H. H. Dufur, and James F. Payne, in the report to the Secretary of the Interior of date June eighth, eighteen hundred and ninety-one, in pursuance of an appointment for such purpose under a provision of the Indian appropriation act approved August nineteenth, eighteen hundred and ninety.

26 Stat., 355.

Approved, June 6, 1894.

June 6, 1894.

28 Stat., 86.

CHAP. 94.—An act to extend and amend an act entitled "An act to authorize the Kansas and Arkansas Valley Railway to construct and operate additional lines of railway through the Indian Territory, and for other purposes," approved February twenty-fourth, anno Domini eighteen hundred and ninety-one.

Indian Territory.

Time extended for right of way to Kansas and Arkansas Valley Railway.

1891, c. 288, ante, p. 400.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an Act entitled "An Act to authorize the Kansas and Arkansas Valley Railway to construct and operate additional lines of railway through the Indian Territory, and for other purposes," approved February twenty-fourth, eighteen hundred and ninety-one, be, and the same are hereby, extended for a period of three years from February twenty-fourth, eighteen hundred and ninety-four, so that said Kansas and Arkansas Valley Railway shall have until February twenty-fourth, eighteen hundred and ninety-seven, to build the first one hundred miles of its said additional lines of railway in said Territory.

Approved, June 6, 1894.

June 6, 1894.

28 Stat., 87.

CHAP. 95.—An act granting the right of way to the Albany and Astoria Railroad Company through the Grand Ronde Indian Reservation, in the State of Oregon.

Albany and Astoria Railroad Company granted right of way through Grand Ronde Indian Reservation, Oreg.

Material.

Stations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way not exceeding one hundred feet in width and such additional width as may be required at any point on account of the formation of the ground for necessary cuts and fills through the Grand Ronde Indian Reservation, in the State of Oregon, shall be, and is hereby, granted to the Albany and Astoria Railroad Company, a corporation duly organized under the laws of the State of Oregon, or its assigns, according to the plans and surveys of the route to be filed in the Department and approved by the Secretary of the Interior; and said company shall also have the right to take from said lands adjacent to the line of said railroad, material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Compensation.

Secretary of Interior to approve location, etc.

Proviso.
Consent of Indians.

SEC. 2. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to the Indians for such right of way, and provide the time and manner of payment thereof, and also to ascertain and fix the amount of compensation to be made to the individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said company in or to any part of the right of way herein provided until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open to the inspection of any party interested therein, and until all compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad, including the charges of transportation, shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the consent of the Indians to said right of way and compensation shall be obtained by said railroad company in such manner as the Secretary of the Interior shall prescribe before any right in this act shall accrue to said company.

Reversion.

Proviso.
Construction.

SEC. 3. That whenever said right of way shall cease to be used for the purposes of the said railroad company, the same shall revert to the United States: *Provided, however*, That said company may be, and hereby is, granted three years to complete its railroad across said reservation after filing the maps of definite location thereof in the Department of the Interior.

Condition of acceptance.

SEC. 4. That said railroad company shall accept this right of way upon the express condition, binding upon itself, its successors or assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing of the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided.

Forfeiture.

SEC. 5. That any failure in the performance of the conditions required by this act shall be taken and deemed to be a forfeiture of all the rights and privileges herein granted, without any act of Congress or judgment of court declaring the same.

Amendment, etc.

SEC. 6. That this act may be at any time altered, amended, or repealed by Congress.

Approved, June 6, 1894.

CHAP. 117.—An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska.

June 27, 1894.

28 Stat., 96.

Eastern Nebraska and Gulf Railway Company granted right of way, Omaha and Winnebago Indian reservations, Nebr.

See note to 1882, ch. 434, ante, p. 212.

Stations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Eastern Nebraska and Gulf Railway Company, a corporation organized and existing under and by virtue of the laws of the State of Nebraska, and its assigns, the right of way for the construction of its proposed railroad through the Omaha and Winnebago Indian reservations, in said State. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stones, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water station, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, to the extent of two stations within the limits of said reservations.

Damages to individuals.

Damages to tribes.

Secretary of the Interior to approve location, etc.

Provisos.

Rights of Indians, etc.

Fences, etc.

Construction.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants, according to any treaties or laws of the United States, compensation shall be made to such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant the just compensation shall be determined as provided for by the laws of the State of Nebraska enacted for the settlement of like controversies in such cases. The amount of damage resulting to the Omaha and Winnebago tribes of Indians in their tribal capacity by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon the actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations shall have been approved and filed with the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservation to the provisions of this Act shall have been obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon such reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians and the rules of the Secretary of the Interior: *Provided further*, That said railway company shall construct and maintain continually all fences, roads, and highways, crossings and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same: *Provided further*, That said railway shall be constructed through said reservations within three years after the passage of this Act, or the rights herein granted shall be forfeited as to that portion of the road not constructed.

Amendment, etc.

SEC. 3. That Congress may at any time amend, alter, or repeal this Act, and the right of way hereby granted shall not be assigned or transferred in any form whatever, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, June 27, 1894.

July 6, 1894.

28 Stat., 99.

CHAP. 125.—An act granting to the Brainerd and Northern Minnesota Railway Company a right of way through the Leech Lake Indian Reservation in the State of Minnesota.

Brainerd and Northern Minnesota Railway Company granted right of way, Leech Lake Indian Reservation, Minn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Brainerd and Northern Minnesota Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and to its assigns, the right of way for the extension of its railroad, with necessary side tracks and switch tracks, and for a telegraph and telephone line, through the Leech Lake Indian Reservation in said State, commencing at a point in the south line of said Indian reservation and extending northwesterly through sections thirteen, twelve, one, and two, of township one hundred and forty-one, range thirty-one, to a point in the west line of said reservation in said section two, with the right to load logs on said railroad at the points in said reservation where the same may run adjacent or contiguous to the waters of Leech Lake. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station within the limits of said reservation: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

Location.

Width, etc.

Stations, etc.

Proviso.
Use limited.

Damages to individuals.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Saint Paul or Duluth, Minnesota, shall have jurisdiction upon petition of either party to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes; and the amount of damages resulting to the tribe or tribes of Indians pertaining to said reservation in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval: *Provided, however,* That said railroad company may file with the Secretary of the Interior a bond, in such amount and with such sureties as the Secretary shall approve, conditioned for the payment of just compensation for said right of way to said individual occupants and to said tribe or tribes, as hereinbefore provided, and said company may thereupon proceed to construct and operate its railroad across said reservation.

Damages to tribes.

Proviso.
Work may begin on filing bond.

Maps to be filed.

SEC. 3. That said company shall cause maps, showing the route of its line through said reservation, and including the grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

Survey.

SEC. 4. That said company is hereby authorized to enter upon said reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located and constructed with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Proviso.
Rights of Indians.

SEC. 5. That the right herein granted shall be forfeited by said company, unless the road shall be constructed through the said reservation within three years after the passage of this Act.

Construction.

Approved, July 6, 1894.

July 18, 1894.

28 Stat., 112.

CHAP. 140.—An act granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota.

See note to 1869, c. 24, ante, p. 302.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Saint Paul, Minneapolis and Manitoba Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns, the right of way for the extension of its railroad through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in said State. Such right of way shall be fifty feet in width on each side of the central line of said railroad, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill; also, grounds adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, to the extent of not exceeding two stations within the limits of each reservation: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used such portion shall revert to the tribe or band of Indians from which the same shall have been taken.

Saint Paul, Minneapolis and Manitoba Railway Company granted right of way, through White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, Minn.
Width.
1897, c. 308, post, p. 618.

Buildings, etc.

Proviso.
Use limited.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants, according to any treaties or laws of the United States, compensation, subject to the approval of the Secretary of the Interior, shall be made to such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant, the just compensation shall be determined as provided for by the laws of Minnesota enacted for the settlement of like controversies in such cases. The amount of damages resulting to the tribes of Indians, in their tribal capacity, by reason of the construction of said railroad through such lands of the reservations as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid. Said company is hereby authorized to enter upon such reservations for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Damages to individuals.

Damages to tribes.

Secretary of the Interior to approve plats, etc.

Survey.
Proviso.
Rights of Indians.

Construction.

Amendment, etc.

SEC. 3. That the right herein granted shall be forfeited by said company unless the road shall be constructed through said reservations within three years after the passage of this Act, and provided that Congress reserve the right to alter, amend, or repeal this Act.

Approved, July 18, 1894.

July 23, 1894.

28 Stat., 118.

CHAP. 152.—An act granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation, in Washington.

Columbia Irrigation Company granted right of way, Yakima Indian Reservation, Wash.

Location.
Ante, p. 454.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as is hereinafter set forth, to the Columbia Irrigation Company, a corporation organized and existing under the laws of the State of Washington, for the construction of an irrigation canal through the Yakima Indian Reservation, from a point about one-half mile below where the Atahnam Creek empties into the Yakima River, on said reservation, in Yakima County, in the State of Washington; thence extending in a southerly direction, to a point where said canal crosses the Toppenish Creek; thence in a southeasterly direction, by the most practical route, to a point on the east boundary of said reservation, at or near section nineteen (19), township eight (8) north, range twenty-three (23) east of the Willamette meridian.

Use of water.

SEC. 2. That the said irrigation company shall have the right to appropriate and use any and all water necessary for their use from the Yakima River, not otherwise appropriated and in actual use at the time of the passage of this Act, or that may not be necessary for the domestic and irrigating purposes of any Indian to whom an allotment has been made, or shall hereafter be made, upon or along said Yakima River.

Storage reservoirs.

SEC. 3. That the said irrigation company is hereby granted sufficient land on said reservation for reservoirs for the storage of water to be used during the dry season, and for right of way connecting said storage reservoirs with said irrigation canal, and shall have the right to locate, construct, and maintain the same under the same terms and restrictions provided herein for the right of way of said canal.

Width.

Material.

SEC. 4. That the right of way hereby granted to said company shall be seventy-five (75) feet in width on each side of the central line of said canal as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said canal material, stone, earth, and timber necessary for the construction of said canal.

Damages to individuals.

Secretary of the Interior to approve location, etc.

SEC. 5. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid individual members of the tribe for damages sustained by them by reason of the construction of said canal, and to provide the time and manner for the payment thereof; but no right of any kind shall vest in said irrigation company in or to any part of the right of way herein provided for until plats thereof made upon actual survey for the definite location of such canal shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing, and be open for the inspection of any party interested therein; and the survey, construction, and operation of such canal shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

Not assignable.

Proviso.
Mortgages.

Post, p. 600.
Completion.

SEC. 6. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said canal shall be completed: *Provided,* That the company may mortgage said franchise for money to construct and complete said canal: *And provided further,* That the right herein granted shall be lost and forfeited by said company to any portion of said canal not completed within five years from

Construction.

the passage of this Act: *Provided further*, That one-fourth of said canal shall be completed in two years.

Condition.

SEC. 7. That said irrigation company shall accept this right of way upon the express condition, binding upon itself, its successors, or assigns that they will not attempt to secure from the Indian tribe any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all the rights and privileges of said irrigation company under this Act: *Provided further*, That the rights herein granted are upon the express condition that the grantee or grantees thereof shall at all times during the continuance thereof furnish the Indian allottees along said right of way with water sufficient for all domestic and agricultural purposes and purposes of irrigation, on such terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That Indians who have or may have allotments along said right of way shall have water for irrigation and domestic purposes free.

Provisos.
Forfeiture.
Water to Indian allottees.
To be free.

SEC. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment, etc.

Approved, July 23, 1894.

Aug. 4, 1894.
28 Stat., 229.

CHAP. 215.—An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes.

Arkansas, Texas and Mexican Central Railway Company granted right of way, Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arkansas, Texas and Mexican Central Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point to be selected by the said company on Red River north of the north boundary line of Montague County, in the State of Texas, and running thence by the most practicable route through the Indian Territory in a northeasterly direction to a point on the west boundary of the State of Arkansas.

Location.
1896, c. 246, post, p. 680.

SEC. 2. That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the Arkansas, Texas and Mexican Central Railway Company, and a strip of land two hundred feet in width, with a length of three thousand feet, in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once in every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than such addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribes of Indians from which the same shall have been taken.

Width.
Stations.
Provisos.
Limit to stations.
Reversion for nonuser.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to law, customs, and usages of any of the Indian nations or tribes through which it may be constructed full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of

Damages to individuals.

Referees.
Decision.
Appeal.
Work may begin on depositing double award.
Costs.

such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the President of the United States, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the courts, where the case shall be tried de novo. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad. Each of such referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act, with mileage at the rate of five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensations of the referees, shall be made a part of the award and be paid by such railroad company.

Freight charges.
Provisos.
Passenger charges.
Regulations.
Maximum.
Mails.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That the passenger rates on said railroad shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railroad and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory, within the limits of which said railroad or part thereof shall be located, and then such State government or governments shall be authorized to fix and regulate the costs of transportation of persons and freight within their respective limits by said railway, but Congress expressly reserves the right to fix and regulate at all times the cost of all transportation by said railway or said company wherever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed those above expressed: *And provided further*, That said railway company shall carry the mail at such price as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Payment to tribes.
Annual rental.
Apportioning receipts.
Provisos.
Taxes.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railroad may be located, the sum of fifty dollars, in addition to compensation provided for by this Act for property taken or damaged by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded. Said company shall also pay, as long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it may construct in said Territory. The money paid to the Secretary of the Interior under the provisions of this Act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway through their lands: *Provided*, That Congress shall have the right, so long as their lands are occupied and possessed by such nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their bene-

Appeal by general councils.

Award to be in lieu of compensation.

Taxation.

Survey, etc.

Consent of allottees, etc.

fit: *Provided further*, That if the general counsel of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section six of this Act dissent from the allowances provided for in this section and shall certify the same to the Secretary of the Interior, then all compensations to be paid to such dissenting nation or tribe under the provisions provided under this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of the land, with the right to appeal to the courts upon the same terms, conditions, and requirements as herein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railroad company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the provisions of this section. Nothing in this Act shall be construed to prohibit Congress from imposing taxes upon said railroad, nor any Territory or State hereafter formed through which said railway shall have been established from exercising the same power as to such part of said railway as may lie within its limits. Said railway shall have the right to survey and locate its railway immediately after the passage of this Act: *Provided further*, That if said right of way shall pass over or through any land allotted to an Indian in accordance with any law or treaty, it shall be the duty of the Secretary of the Interior to provide for obtaining the consent of such allottee or allottees to said right of way and to fix the amount of compensation to be paid such allottees for right of way and for damages sustained by them by reason of the construction of the road; but no right of any kind shall vest in said railway company to any portion of said right of way passing over or through any such allotted lands until the compensation herein provided for shall be fixed and paid.

Maps to be filed.

Proviso.
Grading to begin on filing maps.

Sec. 6. That said railway company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for subsequent settlement and improvement of right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portions of said railway company's located line is filed, as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void as to any occupant thereof.

Employees may reside on right of way.

Sec. 7. That the officers, servants, and employees of said company necessary to the construction, operation, and management of said railway and telegraph and telephone lines shall be allowed to reside, while so engaged, upon the right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with such intercourse laws.

Litigation.

Sec. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between the said Arkansas, Texas and Mexican Central Railway Company and the nations and tribes through whose territory such railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company, and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this Act.

Commencement and completion.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this Act, or this grant shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That said Arkansas, Texas and Mexican Central Railway Company shall accept this right of way upon express conditions, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist toward any effort looking to the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indians any further grant of land or its occupancy than herein provided: *Provided*, That any violation of the conditions named in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Proviso. Violation to forfeit.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company, conveying any portion of its railroad with its franchises that may be constructed in the Indian Territory, shall be recorded to the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, or alter or repeal this Act.

Approved, August 4, 1894.

Aug. 15, 1894.

28 Stat., 286.

CHAP. 290.—An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department for the year ending June thirtieth, eighteen hundred and ninety-five, and fulfilling treaty stipulations with the various Indian tribes, namely:

* * * * * * *

Citizen Band, Potawatomi.

CITIZEN BAND OF POTTAWATOMIES.

See note to 1878, c. 200, ante, p. 175.

That the Secretary of the Interior be, and he hereby is, authorized and directed to pay to the Citizen Band of Pottawatomie Indians, or expend for their benefit, the sum of thirteen thousand nine hundred and eighty-one dollars and fifty-eight cents, now on the books of the Treasury, and being the unexpended balance of the appropriation to carry out the provisions of the agreement between the United States and said band of Indians, ratified and confirmed by Act of Congress approved March third, eighteen hundred and ninety-one: *Provided*, That any member of the Citizen Band of Pattawatomie Indians and of the Absentee Shawnee Indians of Oklahoma, to whom a trust patent has been issued under the provisions of the Act approved February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes, three hundred and eighty-eight), and being over twenty-one years of age, may sell and convey any portion of the land covered by such patent in excess of eighty acres, the deed of conveyance to be subject to approval by the Secretary of the Interior under such rules and regulations as he may prescribe, and that any Citizen Pottawatomie not

Ante, p. [illegible]

Proviso. Sales permitted by allottees.

Ante, p. 33.

residing upon his allotment, but being a legal resident of another State or Territory, may in like manner sell and convey all the land covered by said patent, and that upon the approval of such deed by the Secretary of the Interior the title to the land thereby conveyed shall vest in the grantee therein named. And the land sold and conveyed under the provisions of this Act shall, upon proper recording of the deeds therefor, be subject to taxation as other lands in said Territory, but neither the lands covered by such patents not sold and conveyed under the provisions of this Act, nor any improvements made thereon, shall be subject to taxation in any manner by the Territorial or local authorities during the period in which said lands shall be held in trust by the United States.

Taxation.

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SACS AND FOXES OF THE MISSOURI.

Sauk and Foxes of the Missouri.

* * * * * * *

Allotment to children in Kansas and Nebraska.

Ante, p. 33.

See note to 1885, ch. 337, ante, p. 228.

That the Secretary of the Interior be, and hereby is, authorized and directed to cause to be allotted, under the provisions of the Act of Congress approved February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," to each and every child born of a recognized member of the Sac and Fox of Missouri tribe of Indians since the completion of allotments to said tribe, eighty acres of land within the reservation of said tribe in the States of Kansas and Nebraska, and upon the completion thereof to offer for sale the remaining lands of the said reservation, at the proper land office, upon such terms, conditions, and regulations as the Secretary of the Interior may determine: *Provided*, That the Secretary of the Interior shall inquire into the correctness of the appraisement made under authority of an Act of Congress approved August fifteenth, eighteen hundred and seventy-six, of lot eight of the southeast quarter of section nineteen, township one north, range seventeen east, Sac and Fox Reservation lands in the State of Nebraska; and if he shall be satisfied that said lot was appraised at more than its actual value, he may cause the same to be sold upon the same terms as the other lands are sold: *And provided further*, That before any sale shall be made of said lands the consent of a majority of the male adults of said Indians shall first be obtained.

Sale of lands remaining.

Provisos.

Appraisement of lot in Nebraska.

Ante, p. 187.

Consent of Indians.

Proceeds.

That the net proceeds arising from the sales of lands, as provided in section one of this Act, shall be used for the benefit of said tribe or shall be paid to said Indians per capita, as the Secretary of the Interior may determine. The cost of the advertisement and sale of said lands shall be defrayed from the first proceeds arising therefrom.

* * * * * * *

SHAWNEES.

Shawnee.

Transfer of annuities to Chickasaw.

Vol. 2, p. 39.

Vol. 2, p. 618.

Vol. 2, p. 947.

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury Department, to the credit of the Cherokee Nation of Indians, the sum of one hundred thousand dollars, being the value of annuities of the Shawnee Indians arising under their treaties of August third, seventeen hundred and ninety-five, and May tenth, eighteen hundred and fifty-four, transferred to the Cherokees by an agreement between the said tribes, dated June seventh, eighteen hundred and sixty-nine, under the provisions of article sixteen of the treaty of July nineteenth, eighteen hundred and sixty-six, Apportionment.

21 Stat., 70.

with the Cherokees, the said sum to be apportioned as follows, namely: Cherokee national fund, fifty thousand dollars; Cherokee school fund, thirty-five thousand dollars; Cherokee orphan fund, fifteen thousand dollars; interest on these several sums at the rate of five per centum per annum from July first, eighteen hundred and ninety-four, to be paid under the provisions of the Act of April first, eighteen hundred and eighty.

* * * * * * *

[28 Stat., 301.]
Ogden Land Company.
Investigation directed.

That the Secretary of the Interior be, and hereby is, authorized to make a thorough investigation of the facts touching the so-called Ogden Land Company, its organization, when and by whom formed, its continued existence or organization to this date, its capital stock, number of shares, amount of face value, where and by whom held, its liabilities and assets, and the original history of the alleged claim of said company to any of the lands of the Seneca Nation of Indians in the State of New York, and any and all evidences of title; and also the condition of said Indians, their progress in civilization and fitness for citizenship, their number and system of government, and the propriety of allotting their lands in severalty, and to make to Congress a full report with such suggestions and recommendations as he may deem proper in view of all the facts ascertained.

Wyandot.

Whereas there is due the Wyandotte Indians from the Government of the United States, as ascertained and reported by the Commissioner of Indian Affairs in his letter to the Secretary of the Interior of February seventeenth, eighteen hundred and ninety-four, a balance of fifteen thousand six hundred and eighty-six dollars and eighty cents; and

Whereas there are absentee Wyandotte Indians, who are poor and homeless, numbering between one hundred and fifty and two hundred persons, and for whom no provision has been made:

Purchase of land for use of absentees.

Allotments.
Ante, p. 33.

Therefore, the Secretary of the Interior is hereby authorized and directed to purchase for said absentee Wyandotte Indians eighty acres of land per capita, or so much thereof as said sum of fifteen thousand six hundred and eighty-six dollars and eighty cents will purchase, at a sum not to exceed one dollar and fifty cents per acre; such lands to be purchased from the Quapaw Indians in the Indian Territory, or, if this be found impracticable, then such lands shall be purchased of other Indians in the Indian Territory, where the land may be most conveniently and advantageously obtained by Secretary of the Interior; said lands to be taken in allotments, as provided for in the severalty Act of Congress of February, eighteen hundred and eighty-seven, and amendments thereto. And the said sum of fifteen thousand six hundred and eighty-six dollars and eighty cents, so due to said Wyandotte Indians, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of making the purchase of the lands herein and hereby provided for.

* * * * * * *

[28 Stat., 302.]
Apache, etc., Arizona and New Mexico.

Proviso

Sale of timber, Jicarilla Reservation.

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico and Arizona, one hundred and eighty-five thousand dollars: *Provided*, That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may deem proper and necessary to protect the interests of the Indians and of the United States, to sell or otherwise dispose of a quantity of timber, not exceeding twenty thousand dollars in value, on the Jicarilla Apache Indian Reservation, the proceeds to be used by him in the purchase of sheep and goats for the benefit of the Indians belonging thereto as will best tend to promote their welfare and advance them in civilization.

* * * * * * *

[28 Stat., 302.]
Hoopa Valley, California, road.

For the construction of a wagon road on the Hoopa Valley Indian Reservation in the State of California in accordance with the recommendation of Captain W. E. Dougherty, United States Army, acting Indian agent in charge of said Reservation, to the Commissioner of Indian Affairs, dated November twenty-first, eighteen hundred and ninety-three, three thousand five hundred and nine dollars. The work on said road to be performed as far as practicable by Indians.

Bridge, Big Wind River, Wyoming.

To enable the Secretary of the Interior to remove and rebuild the bridge across the Big Wind River on the Shoshone Indian Reservation, in the State of Wyoming, two thousand five hundred dollars, or so much thereof as may be necessary.

* * * * * * *

Fort Hall, Idaho.
Irrigation.

The Secretary of the Interior is directed to contract with responsible parties for the construction of irrigating canals and the purchase or securing of water supply on the Fort Hall Indian Reservation, in the State of Idaho, for the purpose of irrigating the lands of said reservation: *Provided*, That the expense of constructing said canals and the purchase or securing of water supply shall be paid out of moneys belonging to the said Fort Hall Indians now in the Treasury of the United States and subject to the disposal of the Secretary of the Interior for the benefit of said Indians.

Proviso.
Expense.

* * * * * * *

AGREEMENT WITH THE YANKTON SIOUX OR DAKOTA INDIANS, IN SOUTH DAKOTA.

[28 Stat., 314.]

Agreement with Yankton Sioux, in South Dakota, ratified.
1876, ch. 289, note, ante, p. 166.

SEC 12. The following agreement, made by J. C. Adams and John J. Cole, commissioners on the part of the United States, with the chiefs, headmen, and other male adults of the Yankton tribe of Sioux or Dakota Indians upon the Yankton Reservation, in the State of South Dakota, on the thirty-first day of December, eighteen hundred and ninety-two, and now on file in the Department of the Interior, and signed by said commissioners on behalf of the United States, and by Charles Martin, Edgar Lee, Charles Jones, Isaac Hepikigan, Stephen Cloud Elk, Edward Yellow Bird, Iron Lingthing, Eli Brockway, Alex Brunot Francis Willard, Louis Shunk, Joseph Caje, Albion Hitika, John Selwyn, Charles Ree, Joseph Cook, Brigham Young, William Highrock, Frank Felix, and Philip Ree, on behalf of the said Yankton tribe of Sioux Indians, is hereby accepted, ratified, and confirmed.

ARTICLES OF AGREEMENT.

Commissioners.

Whereas J. C. Adams and John J. Cole, duly appointed commissioners on the part of the United States, did, on the thirty-first day of December, eighteen hundred and ninety-two, conclude an agreement with the chiefs, headmen, and other male adults of the Yankton tribe of Sioux or Dakotah Indians upon the Yankton Reservation, in the State of South Dakota, which said agreement is as follows:

27 Stat., 612.

Whereas a clause in the act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June thirtieth (30th), eighteen hundred and ninety-three (1893), and for other purposes, approved July 13th, 1892, authorizes the "Secretary of the Interior to negotiate with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress;" and

Whereas the Yankton tribe of Dacotah—now spelled Dakota and so spelled in this agreement—or Sioux Indians is willing to dispose of a portion of the land set apart and reserved to said tribe, by the first article of the treaty of April (19th) nineteenth, eighteen hundred and fifty-eight (1858), between said tribe and the United States, and situated in the State of South Dakota:

Now, therefore, this agreement made and entered into in pursuance of the provisions of the act of Congress approved July thirteenth (13th), eighteen hundred and ninety-two (1892), at the Yankton Indian Agency, South Dakota, by J. C. Adams of Webster, S. D., John J. Cole of St. Louis, Mo., and I. W. French of the State of Neb., on the part of the United States, duly authorized and empowered thereto, and the chiefs, headmen, and other male adult members of said Yankton tribe of Indians, witnesseth:

ARTICLE I.

Unallotted lands ceded.

The Yankton tribe of Dakota or Sioux Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of the reservation set apart to said Indians as aforesaid.

[28 Stat., 315.]

ARTICLE II.

Consideration.

In consideration for the lands ceded, sold, relinquished, and conveyed to the United States as aforesaid, the United States stipulates and agrees to pay to the said Yankton tribe of Sioux Indians the sum of six hundred thousand dollars ($600,000), as hereinbefore provided for.

ARTICLE III.

Cash payment per capita.

SECTION 1. Sixty days after the ratification of this agreement by Congress, or at the time of the first interest payment, the United States shall pay to the said Yankton tribe of Sioux Indians, in lawful money of the United States, out of the principal sum stipulated in Article II, the sum of one hundred thousand dollars ($100,000), to be divided among the members of the tribe per capita. No interest shall be paid by the United States on this one hundred thousand dollars ($100,000.)

Fund.

Interest.

SECTION 2. The remainder of the purchase money or principal sum stipulated in Article II, amounting to five hundred thousand dollars ($500,000), shall constitute a fund for the benefit of the said tribe, which shall be placed in the Treasury of the United States to the credit of the said Yankton tribe of Sioux Indians, upon which the United States shall pay interest at the rate of five per centum (5) per annum from January first, eighteen hundred and ninety-three (January 1st, 1893), the interest to be paid and used as hereinafter provided for.

ARTICLE IV.

Payment of fund.

The fund of five hundred thousand dollars ($500,000) of the principal sum, placed to the credit of the Yankton tribe of Sioux Indians, as provided for in Article III, shall be payable at the pleasure of the United States after twenty-five years, in lawful money of the United States. But during the trust period of twenty-five years, if the necessities of the Indians shall require it, the United States may pay such part of the principal sum as the Secretary of the Interior may recommend, not exceeding $20,000 in any one year. At the payment of such sum it shall be deducted from the principal sum in the Treasury, and the United States shall thereafter pay interest on the remainder.

ARTICLE V.

Distribution of interest.

SECTION 1. Out of the interest due to the Yankton tribe of Sioux Indians by the stipulations of Article III, the United States may set aside and use for the benefit of the tribe, in such manner as the Secretary of the Interior shall determine, as follows: For the care and maintenance of such orphans, and aged, infirm, or other helpless persons of the Yankton tribe of Sioux Indians, as may be unable to take care of themselves; for schools and educational purposes for the said tribe; and for courts of justice and other local institutions for the benefit of said tribe, such sum of money annually as may be necessary for these purposes, with the help of Congress herein stipulated, which sum shall not exceed six thousand dollars ($6,000) in any one year: *Provided*, That Congress shall appropriate, for the same purposes, and during the same time, out of any money not belonging to the Yankton Indians, an amount equal to or greater than the sum set aside from the interest due to the Indians as above provided for.

Equal amount to be appropriated.

Distribution of fund when title of allottees is completed.

SECTION 2. When the Yankton tribe of Sioux Indians shall have received from the United States a complete title to their allotted lands, and shall have assumed all the duties and responsibilities of citizenship, so that the fund provided for in section 1 of this article is no longer needed for the purposes therein named, any balance on hand shall be disposed of for the benefit of the tribe as the Secretary of the Interior shall determine.

[28 Stat., 316.]

ARTICLE VI.

Per capita distribution.

After disposing of the sum provided for in Article V, the remainder of the interest due on the purchase money as stipulated in Article III shall be paid to the Yankton tribe of Sioux Indians semiannually, one-half on the thirtieth day of June and one-half on the thirty-first day of December of each year, in lawful money of the United States, and divided among them per capita. The first interest payment being made on June 30th, 1893, if this agreement shall have been ratified.

ARTICLE VII.

Coins to adult males

In addition to the stipulations in the preceding articles, upon the ratification of this agreement by Congress, the United States shall pay to the Yankton tribe of Sioux Indians as follows: To each person whose name is signed to this agreement and to each other male member of the tribe who is eighteen years old or older at the date of this agreement, twenty dollars ($20) in one double eagle, struck in the year 1892 as a memorial of this agreement. If coins of the date named are not in the Treasury coins of another date may be substituted therefor. The payment provided for in this article shall not apply upon the principle sum stipulated in Article II, nor upon the interest thereon stipulated in Article III, but shall be in addition thereto.

ARTICLE VIII.

Buildings, etc.

Such part of the surplus lands hereby ceded and sold to the United States, as may now be occupied by the United States for agency, schools, and other purposes, shall be reserved from sale to settlers until they are no longer required for such purposes. But all other lands included in this sale shall, immediately after the ratification of this agreement by Congress, be offered for sale through the proper land office, to be disposed of under the existing land laws of the United States, to actual and bona fide settlers only.

ARTICLE IX.

Leases permitted.

During the trust period of twenty-five years, such part of the lands which have been allotted to members of the Yankton tribe of Indians in severalty, as the owner thereof can not cultivate or otherwise use advantageously, may be leased for one or more years at a time. But such leasing shall be subject to the approval of the Yankton Indian agent by and with the consent of the Commissioner of Indian Affairs; and provided that such leasing shall not in any case interfere with the cultivation of the allotted lands by the owner thereof to the full extent of the ability of such owner to improve and cultivate his holdings. The intent of this provision is to compel every owner of allotted lands to cultivate the same to the full extent of his ability to do so, before he shall have the privilege of leasing any part thereof, and then he shall have the right to lease only such surplus of his holdings as he is wholly unable to cultivate or use advantageously. This provision shall apply alike to both sexes, and to all ages, parents acting for their children who are under their control, and the Yankton Indian agent acting for minor orphans who have no guardians.

ARTICLE X.

Lands for religious uses.

[28 Stat., 317.]

Any religious society, or other organization now occupying under proper authority for religious or educational work among the Indians any of the land under this agreement ceded to the United States, shall have the right for two years from the date of the ratification of this agreement within which to purchase the land so occupied at a valuation fixed by the Secretary of the Interior, which shall not be less than the average price paid to the Indians for these surplus lands.

ARTICLE XI.

Bands of Indians dying without heirs.

If any member of the Yankton tribe of Sioux Indians shall within twenty-five years die without heirs, his or her property, real and personal, including allotted lands, shall be sold under the direction of the Secretary of the Interior, and the proceeds thereof shall be added to the fund provided for in Article V for schools and other purposes.

ARTICLE XII.

Prior depredations not to be deducted.

No part of the principal or interest stipulated to be paid to the Yankton tribe of Sioux Indians, under the provisions of this agreement, shall be subject to the payment of debts, claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

ARTICLE XIII.

Tribal rights.

All persons who have been allotted lands on the reservation described in this agreement and who are now recognized as members of the Yankton tribe of Sioux Indians, including mixed-bloods, whether their white blood comes from the paternal or maternal side, and the children born to them, shall enjoy the undisturbed and peaceable possession of their allotted lands, and shall be entitled to all the rights and privileges of the tribe enjoyed by full-blood Indians.

ARTICLE XIV.

Allotments to be confirmed.

All allotments of lands in severalty to members of the Yankton tribe of Sioux Indians, not yet confirmed by the Government, shall be confirmed as speedily as possible, correcting any errors in same, and Congress shall never pass any act alienating any part of these allotted lands from the Indians.

ARTICLE XV.

Payment of scouts.

The claim of fifty-one Yankton Sioux Indians, who were employed as scouts by General Alf. Sully in 1864, for additional compensation at the rate of two hundred and twenty-five dollars ($225) each, aggregating the sum of eleven thousand four hundred and seventy-five dollars ($11,475) is hereby recognized as just, and within ninety days (90) after the ratification of this agreement by Congress the same shall be paid in lawful money of the United States to the said scouts or to their heirs.

ARTICLE XVI.

Pipestone Reservation.

Title to be adjudicated.

Vol. 2, p. 776.

If the Government of the United States questions the ownership of the Pipestone Reservation by the Yankton tribe of Sioux Indians, under the treaty of April 19th, 1858, including the fee to the land as well as the right to work the quarries, the Secretary of the Interior shall as speedily as possible refer the matter to the Supreme Court of the United States, to be decided by that tribunal. And the United States shall furnish, without cost to the Yankton Indians, at least one competent attorney to represent the interests of the tribe before the court.

[28 Stat., 318.]

If the Secretary of the Interior shall not, within one year after the ratification of this agreement by Congress, refer the question of the ownership of the said Pipestone Reservation to the Supreme Court, as provided for above, such failure upon his part shall be construed as, and shall be, a waiver by the United States of all rights to the ownership of the said Pipestone Reservation, and the same shall thereafter be solely the property of the Yankton tribe of the Sioux Indians, including the fee to the land.

ARTICLE XVII.

Intoxicants prohibited.

No intoxicating liquors nor other intoxicants shall ever be sold or given away upon any of the lands by this agreement ceded and sold to the United States, nor upon any other lands within or comprising the reservations of the Yankton Sioux or Dakota Indians as described in the treaty between the said Indians and the United States, dated April 19th, 1858, and as afterwards surveyed and set off to the said Indians. The penalty for the violation of this provision shall be such as Congress may prescribe in the act ratifying this agreement.

ARTICLE XVIII.

Former treaty in force.

Vol. 2, p. 776.

Nothing in this agreement shall be construed to abrogate the treaty of April 19th, 1858, between the Yankton tribe of Sioux Indians and the United States. And after the signing of this agreement, and its ratification by Congress, all provisions of the said treaty of April 19th, 1858, shall be in full force and effect, the same as though this agreement had not been made, and the said Yankton Indians shall continue to receive their annuities under the said treaty of April 19th, 1858.

ARTICLE XIX.

Copy of ratified agreement.

When this agreement shall have been ratified by Congress, an official copy of the act of ratification shall be engrossed, in copying ink, on paper of the size this agreement is written upon, and sent to the Yankton Indian agent to be copied by letter press in the "Agreement Book" of the Yankton Indians.

ARTICLE XX.

Signing agreement.

For the purpose of this ageement, all young men of the Yankton tribe of Sioux Indians, eighteen years of age or older, shall be considered adults, and this agreement, when signed by a majority of the male adult members of the said tribe, shall be binding upon the Yankton tribe of Sioux Indians. It shall not, however, be binding upon the United States until ratified by the Congress of the United States, but shall as soon as so ratified become fully operative from its date. A refusal by

Congress to ratify this agreement shall release the said Yankton Indians under it.

In witness whereof, the said J. C. Adams, John J. Cole, and J. W. French, on the part of the United States, and the chiefs, headmen, and other adult male Indians, on the part of the said Yankton tribe of Sioux or Dakota—spelled also Dacotah—Indians, have hereunto set their hands and affixed their seals.

Done at the Yankton Indian agency, Greenwood, South Dakota, this thirty-first day of December, eighteen hundred and ninety-two (Dec. 31st, 1892).

James C. Adams, [seal.]
John J. Cole. [seal.]

[28 Stat., 319.]

The foregoing articles of agreement having been read in open council, and fully explained to us, we, the undersigned, chiefs, headmen, and other adult male members of the Yankton tribe of Sioux Indians, do hereby consent and agree to all the stipulations therein contained.

Witness our hands and seals of date as above.

Wicahaokdeun (William T. Selwyn), seal; and others:

Therefore,

Agreement confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Amount placed to credit of Indians.

Interest.

Immediately available.

Presents to adults.

Payments to scouts.

Provisos.
Prior depredations.

That for the purpose of carrying the provisions of this Act into effect there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of six hundred thousand dollars, or so much thereof as may be necessary, of which amount the sum of five hundred thousand dollars shall be placed to the credit of said tribe in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum from the first day of January, eighteen hundred and ninety-three, said interest to be paid and distributed to said tribe as provided in articles five and six of said agreement. Of the amount herein appropriated one hundred thousand dollars shall be imediately available to be paid to said tribe, as provided in section one of article three of said agreement. There is also hereby appropriated the further sum of ten thousand dollars, or so much thereof as may be necessary, which sum shall be immediately available, to be paid to the adult male members of said tribe, as provided in article seven of said agreement. There is also hereby appropriated the further sum of eleven thousand four hundred and seventy-five dollars, which sum shall be immediately available, to be paid as provided in article fifteen of said agreement: *Provided*, That none of the money to be paid to said Indians under the terms of said agreement, nor any of the interest thereon, shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of said agreement.

Lands opened to homestead and town-site settlement.

Proviso.
Additional payment by settlers.

Soldiers and sailors.
R. S., secs. 2304, 2305, p. 422.

That the lands by said agreement ceded, to the United States shall, upon proclamation by the President, be opened to settlement, and shall be subject to disposal only under the homestead and town-site laws of the United States, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of the State of South Dakota: *Provided*, That each settler on said lands shall, in addition to the fees provided by law, pay to the United States for the land so taken by him the sum of three dollars and seventy-five cents per acre, of which sum he shall pay fifty cents at the time of making his original entry and the balance before making final proof and receiving a certificate of final entry; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the

United States, shall not be abridged except as to the sum to be paid as aforesaid.

Patents to interpreters.

That the Secretary of the Interior, upon proper plats and description being furnished, is hereby authorized to issue patents to Charles Picotte and Felix Brunot, and W. T. Selwyn, United States interpreters, for not to exceed one acre of land each, so as to embrace their houses near the agency buildings upon said reservation, but not to embrace any buildings owned by the Government, upon the payment by each of said persons of the sum of three dollars and seventy-five cents.

Sale, etc., of intoxicants prohibited.

That every person who shall sell or give away any intoxicating liquors or other intoxicants upon any of the lands by said agreement ceded, or upon any of the lands included in the Yankton Sioux Indian Reservation as created by the treaty of April nineteenth, eighteen hundred and fifty-eight, shall be punishable by imprisonment for not more than two years and by a fine of not more than three hundred dollars.

Punishment.

AGREEMENT WITH THE YAKIMA NATION OF INDIANS IN WASHINGTON.

[28 Stat., 320.]

Agreement with Yakimas in Washington ratified.

SEC. 13. That the following agreement entered into by John Lane, special United States Indian agent, and Lewis T. Erwin, United States Indian agent, Yakima, duly appointed by the Secretary of the Interior in that behalf, of the one part, and the head chief, chiefs, headmen, and principal men of the several tribes and bands composing the Yakima Nation of Indians, in the State of Washington, of the other part, bearing date the eighth day of January, eighteen hundred and ninety-four, and now on file in the office of the Commissioner of Indian Affairs, is hereby accepted, ratified, and confirmed.

Commissioners.

Whereas John Lane, special U. S. Indian agent, and Lewis T. Erwin, U. S. Indian agent for the Yakima Indian Agency, duly appointed commissioners on the part of the United States, did, on the eighth day of January, 1894, conclude an agreement with the following tribes and bands of Indians, viz.: Yakimas, Palouses, Pisquouses, Wenatshapams, Klickitas, Klingnits, Kou was say us, Li ay was, Shinpahs, Wish hams, Shy iks, Oche chotes, Kah milt pahs, and Se ap cats, all constituting what is known as the Yakima Nation of Indians, by their chiefs, headmen, and principal men, embracing a majority of all male adult Indians belonging to the Yakima Nation of Indians aforesaid, which said agreement is as follows: Whereas a certain right of fishery was duly provided for in article ten of the treaty concluded with these Indians by the United States in the year 1855 and ratified by Congress on March 8, 1859, which said article reads as follows, to wit:

Vol. 2, p. 698.

"ARTICLE 10. And provided, That there is also reserved and set apart from the lands ceded by this treaty, for the use and benefit of the aforesaid Confederated Tribes and Bands, a tract of land not exceeding in quantity one township of six miles square, situated at the forks of the Pisquouse or Wenatshapam River, and known as the "Wenatshapam Fishery," which said reservation shall be surveyed and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian reservations;" and

Whereas a certain tract of land was duly surveyed and set apart, in the year 1893, by the United States in fulfillment of the agreement, on the part of the United States, to be performed as set forth in said article 10 of said treaty of 1855, as aforesaid, which said tract of land is known as the Wenatshapam Fishery, and is described as follows, to wit:

"And provided, That there is also reserved and set apart, from the lands ceded by this treaty, for the use and benefit of the aforesaid Confederated Tribes and Bands, a tract of land not exceeding in quantity one township of six miles square, situated at the forks of the Pisquouse or Wenatshapam River, and known as the "Wenatshapam Fishery," which said reservation shall be surveyed and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian Reservations;" and

Whereas the said Indians have found the said right of fishery and the said fishery above described of little use or benefit to them, and are willing to dispose of the same to the United States, therefore, in order to carry out such purpose, it is hereby agreed as follows:

ARTICLE I.

Wenatshapam fishery right ceded.

The said Indians hereby cede and relinquish to the United States all their right, title, interest, claim, and demand of whatsoever name or nature of in, and to all their right of fishery, as set forth in article 10 of said treaty aforesaid, and also all their right, title, interest, claim, or demand of, in, and to said land above described, or any corrected description thereof and known as the Wenatshapam fishery.

ARTICLE II.

[28 Stat., 321.]
Consideration.

In consideration of the foregoing cession and relinquishment the United States hereby agrees to pay or expend through their Indian Agent, Yakima Agency, twenty thousand dollars, which said sum is to be deposited in a United States depository for their use and benefit as soon as approved by Congress, and subject to their order, the Indians reserving the right to dispose of said money as they may decide in general council to be held by them and for that purpose. After the ratification of this agreement by Congress and the further consideration that the Indians known as the Wenatshapam Indians, residing on the Wenatchee River, State of Washington, shall have land allotted to them in severalty in the vicinity of where they now reside, or elsewhere, as they may select, in accordance with article 4 of the general allotment law.

Other lands to resident Indians.

ARTICLE III.

Ratification.

This agreement shall not be binding upon either party until ratified by Congress.

Dated and signed at Fort Simcoe, Yakima Agency, Washington, January 8, 1894.

JOHN LANE, [SEAL.]
Special U. S. Indian Agent
LEWIS T. ERWIN, [SEAL.]
U. S. Indian Agent, Yakima Commissioners.

The foregoing article of agreement having been fully explained to us in open council we, the undersigned, chiefs, headmen, and principal men of the several tribes and bands composing the Yakima Nation of Indians in the State of Washington, do hereby consent and agree to all the stipulations therein contained.

Signed.

Witness our hands and seals at Yakima Agency, Washington, this eighth day of January, eighteen hundred and ninety-four.

Joe Stwire, his x mark, seal; and others:

Therefore,

Agreement confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Amount for Indians.

For the purpose of carrying this agreement and ratification into effect, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty thousand dollars, to be paid to the Indian agent of the Yakima Indian Agency, to be expended by him as provided in the second article of said agreement, in such manner and in such sums as may be decided upon by the general council of the Yakima Nation of Indians, convened and held for that purpose. And the land so ceded and relinquished is hereby restored to the public domain, subject to the land laws of the United States: *Provided*, That the Indians, known as the Wenatshapam Indians, residing on the Wenatchee River, State of Washington, shall be allowed the privilege of taking allotments of land in severalty under the fourth section of the general allotment Act of eighteen hundred and eighty-seven, and amended Act of eighteen hundred and ninety-one, as contemplated by the second article of said agreement: *And provided further*, That it shall be the duty of the Indian agent of the Yakima Indian Agency to see that the Wenatshapam and other Indians living on the Wenatchee River, State of Washington, shall receive and have paid to them their full and pro rata share of said moneys.

Lands restored to public domain.

Proviso.

Allotments to Indians.

Ante, p. 33.

Ante, p. 56.

Payment.

AGREEMENT WITH THE CŒUR D'ALENE INDIANS IN IDAHO.

[28 Stat., 322.]

Agreement with the Cœur d'Alenes in Idaho, ratified.

SEC. 14. The following agreement entered into by John Lane, United States special Indian agent, on the part of the United States, duly appointed by the Secretary of the Interior, in that behalf, of the one part, and the Cœur d'Alene Indians, residing on the Cœur d'Alene Indian Reservation, in the State of Idaho, of the other part, bearing date the seventh day of February, eighteen hundred and ninety-four, and which reads as follows, is hereby accepted, ratified, and confirmed:

ARTICLE I.

Northern boundary of reservation changed.

This agreement made on the 7th day of February, 1894, by John Lane, U. S. special Indian agent, on the part of the United States, and the Cœur d'Alene Indians, residing on the Cœur d'Alene Reservation, in the State of Idaho, by their chiefs, headmen, and principal men, embracing a majority of all the male adult Indians occupying said reservation, pursuant to an item in the act of Congress, making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1894, as follows:

27 Stat., 618.

"The Secretary of the Interior is hereby directed to negotiate with the Cœur d'Alene Indians for a change of the northern line of their reservation so as to exclude therefrom a strip of land on which the town of Harrison and numerous settlers are located.

"That the foregoing provision shall take effect and be in force, after it shall have been submitted to and agreed to by the Indians of said tribe, and approved by the Secretary of the Interior."

Lands ceded.

Witnesseth, that the said Indians, for the consideration hereinafter named, do hereby cede, grant, and relinquish to the United States all right, title, and claim which they now have or ever had of, in, and to all the land embraced within the following-described tract, now a part of their reservation, to wit:

Beginning at a point on the north line of the reservation, on the east bank of the mouth of the Cœur d'Alene River, and running due south one mile, thence due east parallel with the north boundary line to the east boundary line, thence north on the east boundary line to the northeast corner of the reservation, thence west on the north boundary line to the point of beginning.

ARTICLE II.

Compensation.

And it is further agreed, in consideration of the above, that the United States will pay to the said Cœur d'Alene tribe of Indians the sum of fifteen thousand ($15,000) dollars, the same to be paid to the said Indians upon the completion of all the provisions of this agreement.

ARTICLE III.

Distribution.

It is further agreed that the payment of the money aforesaid shall be made to the said tribe of Indians pro rata, or share and share alike, for each and every member of the said tribe as recognized by said tribe now living on said reservation.

ARTICLE IV.

New boundary.

The new boundary lines of the reservation, established by this agreement, or such portions thereof as are not defined by natural objects, shall be surveyed and marked in a plain and substantial manner. The cost of such surveys are to be paid by the United States.

ARTICLE V.

[28 Stat., 323.]
Ratification.

This agreement shall not be binding upon either party until ratified by Congress.

Dated and signed at De Smet Mission, Idaho, this 7th day of February, 1894.

JOHN LANE,
U. S. Special Indian Agent.

Witness: GEO. F. STEELE.

The foregoing articles of agreement, having been fully explained to us in open council, we, the undersigned, chiefs, headmen, and principal men of the Cœur d'Alene tribe of Indians residing on the Cœur d'Alene Reservation, State of Idaho, do hereby consent and agree to all the stipulations therein contained.

Signed.

Witness our hands and seals at De Smet Mission, State of Idaho, this 7th day of February, 1894.

Andrew Sultice, his x mark, seal; and others.

Amount for Indians, pro rata.

For the purpose of carrying out the terms of said agreement the sum of fifteen thousand dollars is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, the same to be made immediately available and to be paid the Indians of the Cœur d'Alene Reservation by the Secretary of the Interior, pro rata, or share and share alike, in accordance with the terms of said agreement.

Survey for new boundary.

That for the purpose of segregating the ceded land from the diminished Cœur d'Alene Indian Reservation, so much of the boundary line described in article one of the agreement that is not defined by a natural boundary shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments.

Disposal of lands.

That to provide for disposal of the lands acquired by the foregoing agreement the Secretary of the Interior shall cause the same to be properly surveyed, subdivided, and platted in accordance with existing law; and the Secretary of the Interior shall direct one of the inspectors of the Department of the Interior to appraise the value of the town site of Harrison and state the price per acre of each and every legal subdivision of the ceded tract.

Appraisement.

In case the total appraised value of all the lands exceeds or falls short of fifteen thousand dollars and the cost of appraising the lands, the appraisement of the town site and the subdivisions shall be scaled in proportion to the appraised values to such price as will bring the total to the sum to be paid the Indians and the cost of the appraisement; and at the rates thus determined, in addition to the usual fees and charges, the lands will be disposed of under the homestead and town-site laws, preference being given to those persons who were actual bona fide settlers at the date of the agreement, February seventh, eighteen hundred and ninety-four: *Provided*, That in no case shall the price per acre fall below the minimum prescribed by law.

Proviso.
Minimum price.

AGREEMENT WITH THE ALSEA AND OTHER INDIANS ON SILETZ RESERVATION IN OREGON.

Agreement with Alsea, etc., for sale of lands, Siletz Reservation, Oreg., ratified.

Proclamation, post, p. 987.

SEC. 15. Whereas Reuben P. Boise, William H. Odell, and H. H. Harding, duly appointed commissioners on the part of the United States, did, on the thirty-first day of October, eighteen hundred and ninety-two, conclude an agreement with the chiefs, headmen, and other male adults of the Alsea and other bands of Indians residing upon the Siletz Reservation in the State of Oregon, which said agreement is as follows:

[28 Stat., 324.]

This agreement made and entered into in pursuance of the provisions of the Act of Congress approved July thirteen, eighteen hundred and ninety-two, at the Siletz Agency, Oregon, by Reuben Boise, William H. Odell, and H. H. Harding, on the part of the United States, and the chiefs, headmen, and male adults of the Alsea and other bands of Indians located on said Siletz Reservation, witnesseth:

ARTICLE I.

Unallotted lands ceded.

The Indians located on said Siletz Reservation hereby cede, sell relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of said reservation, except the five sections described in Article IV of this agreement.

ARTICLE II.

Consideration.

In consideration of the lands sold, ceded, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the Indians located on said Siletz Reservation the sum of one hundred and forty-two thousand and six hundred dollars ($142,600), in payments as follows, to wit:

Fund.

One hundred thousand dollars ($100,000) shall be deposited in the Treasury of the United States to the credit of the Indians of the Siletz Reservation, in the State of Oregon, which shall bear interest at the rate of five (5) per cent per annum, to be paid annually at the agency on said reservation on the first day of March of each and every year. The balance of said principal sum shall be paid as follows, to wit:

Payments to adults.

Within three months after the approval of this agreement by Congress there shall be paid to each Indian on said reservation, who shall be of age, to wit: Males of twenty-one years, and females of eighteen years or more, and all married persons, whether they shall be of age or not, the sum of seventy-five dollars ($75) each, and annually thereafter on each interest-paying day, there shall be paid a like sum of seventy-five dollars ($75) to each one who shall have become of age as aforesaid, or who shall have married, whether of age or not (who shall not have been paid seventy-five dollars) during the preceding year, the said sum of seventy-five dollars; and all of the moneys so held back by the United States to pay said delayed payments shall also draw interest at the rate of five per cent per annum; and the parents of all infants who are supporting the same shall receive annually all the interest money according to the share pro rata of each infant: *Provided, however*, That in case of all aged or infirm persons, who are incapable of taking care of themselves, the same due and payable to such may be used for the support and care of such persons, in such manner as the Secretary of the Interior may from time to time direct: *And provided further*, That this agreement shall apply only to persons who shall be living and belonging on said reservation at the time of the ratification of the same by Congress.

Aged persons.

Limitation.

ARTICLE III.

Payment of taxes, etc.

Road taxes.

Payment of fund. [28 Stat., 325.]

Supplies, etc.

Distribution to civilized Indians.

It is hereby further stipulated and agreed that as soon as the lands which have been allotted to the Indians on said Siletz Indian Reservation shall become subject and liable to taxation by the State of Oregon, then the Secretary of the Interior may reserve a part of said interest money, so coming to said Indians, not exceeding one-third thereof for each year, and pay the same to the State and local authorities of the State of Oregon, in lieu of taxation upon the lands allotted to said Indians, under such rules and regulations as he may prescribe or as may be prescribed by law, to secure to the Indians the full enjoyment of the protection of the laws of said State, and a just share of all benefits derived from said payment in lieu of taxes: *Provided*, That all road taxes, which by the laws of the State may be discharged by work, may be so discharged by the Indian owners of said allotted lands on the roads in their respective vicinities: *And provided further*, That Congress may from time to time appropriate and provide to pay any part of said principal sum, so as aforesaid held in trust, as the condition and interests of said Indians may seem to require or justify; *And provided further*, In case said Indians or any portion thereof may desire to be furnished with supplies instead of cash payments of interest or principal, then the Secretary of the Interior may issue such supplies at cost price in such reservation, at the agency therein, in lieu of cash payments of interest, or any part of the principal sum, which may be from time to time appropriated by Congress: *And provided further*, That in case the Secretary of the Interior may at any time be satisfied that any of said Indians are fully competent and capable of managing and taking care of their full pro rata of said purchase money, and that it will be to their interests to receive the same, and that other portions of said Indians are not so capable and competent, then he shall recommend to Congress that sufficient amount of such principal sum so held in trust as provided in section 2 of this agreement shall be appropriated to pay the full pro rata of such competent and capable Indians of such principal fund, and when the same shall have been paid and receipted for personally by each Indian so paid, then such Indians shall have no further interest in said trust fund.

ARTICLE IV.

Sections reserved.

It is further stipulated and agreed that section nine (9) in township nine (9) south, range 11 west of the Willamette meridian, and the west half of the west half of section five (5), and the east half (½) of section six (6) and the east half of the west half of section 6, township 10 south, range 10 west, W. M., and the south half of section 8 and the north half of section 17, and section sixteen (16) in township 9 south, range 9, west of the Willamette meridian, and the east half of the northeast ¼, and lot 3, sec. 20, and S. ½ and S. ½ of north half of sec. 21, town 8, range 10 west, W. M., are hereby reserved from sale, and that the timber on said five sections of land may be cut and manufactured by the Indians of said Siletz Reservation for their own use and for sale, under such rules as the Secretary of the Interior shall from time to time prescribe, regulating the cutting of timber, so as to secure an equality of benefits to the Indians, employment for them, and judicious aid to them in becoming self-supporting.

ARTICLE V.

Prior claims.

It is further agreed that no part of said sum of money so agreed as aforesaid shall ever be applied to the payment of any claim against any of the Indians alleged to have occurred prior to the ratification of this agreement by Congress.

ARTICLE VI.

Lands for religious, etc., uses.

It is further stipulated and agreed that any religious society or other organization not occupying under proper authority, for religious or educational work among the Indians, any of the lands in this agreement ceded, shall have the right for two years from the date of the ratification of this agreement within which to purchase the land so occupied at the rate of $2.50 per acre, the same to be conveyed to such society or organization by patent.

ARTICLE VII.

Ratification.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

[28 Stat., 326.]

In witness whereof the said Reuben P. Boise, William H. Odell, and H. H. Harding, on the part of the United States, and the chiefs, head men, and other male adults of the Indians residing on said Siletz Reservation, have hereunto set their hands and affixed their seals.

Done at the Siletz Agency, Oregon, this the 31st day of October, A. D. 1892.

REUBEN P. BOISE, [L. S.]
WILLIAM ODELL, [L. S.]
H. H. HARDING, [L. S.]
United States Commissioners.

Committee appointed at general council of Indians, October 29, 1892:
SCOTT LANE. [L. S.]; and others:

Therefore,

Agreement accepted, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Amount appropriated.

Provisos.
Prior depredations claims.

Ante, p. 56.

Entries.

Additional price for lands.

That for the purpose of carrying the provisions of this Act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and forty-two thousand six hundred dollars, which sum of money shall be paid to the Indians in the manner and form prescribed by articles two and three of the agreement: *Provided*, That none of the money or interest thereon which is by the terms of said agreement to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjudication and payment of claims arising from Indian depredations." The mineral lands shall be disposed of under the laws applicable thereto, and the balance of the land so ceded shall be disposed of until further provided by law under the town-site law and under the provisions of the homestead law: *Provided, however*, That each settler, under and in accordance with the provisions of said homestead laws shall, at the time of making his original entry, pay the sum of fifty cents per acre in addition to the fees now required by law, and at the time of making final proof shall pay the further sum of one dollar per acre, final proof to be made within five years from the date of entry, and three years' actual residence on the land shall be established by such evidence as is now required in homestead proofs as a prerequisite to title or patent.

Interest on delayed payments.

That all of the money so held by the United States to pay the delayed payments shall draw interest at the rate of five per centum per annum after the passage of this Act.

Opening lands to settlement.

That immediately after the passage of this Act the Secretary of the Interior shall under such regulations as he may prescribe, open said lands to settlement after proclamation by the President and sixty days' notice.

AGREEMENT WITH THE NEZ PERCE INDIANS IN IDAHO.

Agreement with Nez Perce Indians, Idaho, for cession of lands.
See note to 1888, c. 717, ante, p. 288.

SEC. 16. Whereas Robert Schleicher, James F. Allen, and Cyrus Beede, duly appointed commissioners on the part of the United States, did on the first day of May, eighteen hundred and ninety-three, conclude an agreement with the principal men and other male adults of the Nez Perce tribe of Indians upon the Lapwai Reservation, in the State of Idaho, which said agreement is as follows:

Ante, p. 33.

[28 Stat., 327.]

Whereas the President, under date of October thirty-first, eighteen hundred and ninety-two, and under the provisions of the Act of Congress entitled "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, authorized negotiations with the Nez Perce Indians in Idaho for the cession of their surplus land; and

Whereas the said Nez Perce Indians are willing to dispose of a portion of the tract of land in the State of Idaho reserved as a home for their use and occupation by the second article of the treaty between said Indians and the United States, concluded June ninth, eighteen hundred and sixty-three:

Now, therefore, this agreement made and entered into in pursuance of the provisions of said act of Congress approved February eighth, eighteen hundred and eighty-seven, at the Nez Perce Agency, by Robert Schleicher, James F. Allen, and Cyrus Beede, on the part of the United States, and the principal men and male adults of the Nez Perce tribe of Indians located on said Nez Perce Reservation, witnesseth:

ARTICLE I.

Lands ceded.

The said Nez Perce Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of said reservation, saving and excepting the following described tracts of lands, which are hereby retained by the said Indians, viz:

In township thirty-four, range four west: Northeast quarter, north half and southeast of northwest quarter, northeast quarter of southwest quarter, north half and east half of southwest quarter, and the southeast quarter of southeast quarter, section thirteen, four hundred and forty acres.

In township thirty-four, range three west: Sections ten, fifteen, thirty-six, one thousand nine hundred and twenty acres.

In township thirty-three, range three west: Section one; northwest quarter of northeast quarter, north half of northwest quarter section twelve, seven hundred and sixty acres.

In township thirty-five, range two west: South half of northeast quarter, northwest quarter, north half and southeast quarter of southwest quarter, southeast quarter section three; east half, east half of northwest quarter, southwest quarter section ten, section eleven; north half, north half of south half, section twenty-one; east half of northeast quarter of section twenty; sections twenty-two, twenty-seven, thirty-five, four thousand two hundred acres.

In township thirty-four, range two west: North half, southwest quarter, north half and southwest quarter and west half of southeast quarter of southeast quarter, section thirteen; section fourteen; north half section twenty-three, west half of east half and west half of northeast quarter, northwest quarter, north half of southwest quarter, west half of east half and northwest quarter and east half of southwest quarter of southeast quarter, section twenty-four; section twenty-nine, two thousand seven hundred acres.

Lands ceded—Continued.

In township thirty-three, range two west: West half and southeast quarter section six; sections sixteen, twenty-two, twenty-seven; north half and north half of south half section thirty-four, two thousand eight hundred and eighty acres.

In township thirty-four, range one west: West half section two; sections three, four; north half and southwest quarter section eight; north half section nine; north half and north half of southwest quarter section eighteen; northwest quarter section seventeen, two thousand nine hundred and sixty acres.

In township thirty-seven, range one east: Section twenty; section twenty-one, less south half of south half of southwest quarter of southeast quarter (ten acres), one thousand two hundred and seventy acres.

In township thirty-six, range one east: South half of sections three, four; sections eleven, twelve, one thousand nine hundred and twenty acres.

[28 Stat. 328.]

In township thirty-six, range two east: Sections sixteen, seventeen, eighteen, twenty; all of section twenty-five west of boundary line of reservation; sections twenty-six, twenty-seven, four thousand two hundred and forty acres.

In township thirty-five, range two east: North half of sections sixteen, seventeen, section twenty-seven; north half of section thirty-four, one thousand six hundred acres.

In township thirty-four, range two east: East half and east half of west half of southeast quarter section twenty-four, one hundred acres.

In township thirty-four, range three east: South half of sections nineteen, twenty; north half; north half of south half; southwest quarter and north half of southeast quarter of southwest quarter; north half of south half of southeast quarter section twenty-three; north half; north half and north half of southwest quarter and southeast quarter of southwest quarter; southeast quarter section twenty-four; north half and southeast quarter of northeast quarter; north half of northwest quarter section twenty-five; south half of northeast quarter of northeast quarter section twenty-six; section twenty-nine; northeast quarter of northeast quarter and south half section thirty; northwest quarter and north half of southwest quarter section thirty-one; northeast quarter; north half and southeast quarter of northwest quarter section thirty-two; northwest quarter; north half of southwest quarter, section thirty-three, three thousand seven hundred acres.

In township thirty-three, range four east: South half of southeast quarter section eighteen; northeast quarter and fraction northeast of river in east half of northwest quarter section nineteen; fraction west of boundary line of reservation, in section twenty-two; west half and southeast quarter of section thirty-five, one thousand four hundred and forty acres.

In township thirty-two, range four west: Fraction in west half of northeast quarter of southwest quarter; fraction in northwest quarter of southeast quarter section one; section two; south half of section six; west half and southeast quarter of northeast quarter of section nine, one thousand four hundred and ten acres.

In township thirty-one, range four west: South half of northeast quarter; southeast quarter of northwest quarter; northeast quarter of southwest quarter; southeast quarter section seventeen; northwest quarter section twenty-one, four hundred and eighty acres. Total, thirty-two thousand and twenty acres.

ARTICLE II.

Lands reserved.

It is also stipulated and agreed that the place known as "the boom" on the Clearwater River, near the mouth of Lapwai Creek, shall be excepted from this cession and reserved for the common use of the

James Moses. Allotment.

[28 Stat., 329.]

William C. Langford. Purchase of land from.

Allotments to Indians.

tribe, with full right of access thereto, and that the tract of land adjoining said boom, now occupied by James Moses, shall be allotted to him in such manner as not to interfere with such right. Also, that there shall be reserved from said cession the land described as follows: "Commencing at a point at the margin of Clearwater River, on the south side thereof, which is three hundred yards below where the middle thread of Lapwai Creek empties into said river; run thence up the margin of said Clearwater River at low-water mark, nine hundred yards to a point; run thence south two hundred and fifty yards to a point; thence southwesterly, in a line to the southeast corner of a stone building, partly finished as a church; thence west three hundred yards to a point; thence from said point northerly in a straight line to the point of beginning; and also the adjoining tract of land lying southerly of said tract, on the south end thereof; commencing at the said corner of said church, and at the point three hundred yards west thereof, and run a line from each of said points. One of said lines running on the east side and the other on the west of said Lapwai Creek; along the foothills of each side of said creek; up the same sufficiently far so that a line being drawn east and west to intersect the aforesaid lines shall embrace within its boundaries, together with the first above described tract of land, a sufficient quantity of land as to include and comprise six hundred and forty acres;" for which described tracts of land the United States stipulates and agrees to pay to William G. Langford, his heirs or assigns, the sum of twenty thousand dollars, upon the execution by said Langford, his heirs or assigns, of a release and relinquishment to the United States of all right, title, interest, or claim, either legal or equitable, in and to said tracts of land, derived by virtue of a quit-claim deed of February fourteenth, eighteen hundred and sixty-eight, to the said William G. Langford, from Langdon S. Ward, treasurer of the American Board of Commissioners for Foreign Missions, which release and relinquishment shall be satisfactory to the Secretary of the Interior, and it is stipulated and agreed by said Nez Perce Indians that upon the execution and approval of such release and relinquishment the right of occupancy of said Indians in said described tracts shall terminate and cease and the complete title thereto immediately vest in the United States: *Provided*, That any member of the said Nez Perce tribe of Indians entitled to an allotment now occupying and having valuable improvements upon any of said lands not already occupied or improved by the United States may have the same allotted to him in such subdivisions as shall be prescribed and approved by the Secretary of the Interior, in lieu of an equal quantity of agricultural land allotted to him elsewhere; and for this purpose shall relinquish any patent that may have been issued to him before the title to said "Langford" tracts of land shall vest in the United States, and shall have a new patent issued to him of the form and legal effect prescribed by the fifth section of the act of February eighth, eighteen hundred and eighty-seven (twenty-fourth Statutes, three hundred and eighty-eight), covering the new allotment and that portion of the former allotment not surrendered. It is further agreed that five acres of said tract, upon which the Indian Presbyterian Church is located, as long as same shall remain a church, shall be patented to the trustees of said church; that the said five acres shall not include improvements made by the United States; the said five acres to be selected under the direction of the Commissioner of Indian Affairs.

ARTICLE III.

Consideration.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid the United States stipulates and agrees to pay to the said Nez Perce Indians the sum of one million six hundred and twenty-six thousand two hundred and twenty-two dollars, of which amount the

Per capita distribution.

Fund.

Payments.

sum of six hundred and twenty-six thousand two hundred and twenty-two dollars shall be paid to said Indians per capita as soon as practicable after the ratification of this agreement. The remainder of said sum of one million six hundred and twenty-six thousand two hundred and twenty-two dollars shall be deposited in the Treasury of the United States to the credit of the "Nes Perces Indians, of Idaho," and shall bear interest at the rate of five per centum per annum, which principal and interest shall be paid to said Indians per capita as follows, to wit: At the expiration of one year from the date of the ratification of this agreement the sum of fifty thousand dollars, and semi-annually thereafter the sum of one hundred and fifty thousand dollars with the interest on the unexpended portion of the fund of one million dollars until the entire amount shall have been paid, and no part of the funds to be derived from the cession of lands by this agreement made shall be diverted or withheld from the disposition made by this article on account of any depredation or other act committed by any Nez Perce Indian, prior to the execution of this agreement, but the same shall be actually paid to the Indians in cash, in the manner and at the times as herein stipulated.

[28 Stat., 330.]

ARTICLE IV.

Sawmills, etc.

It is further stipulated and agreed that the United States will purchase for the use of said Nez Perce Indians two portable steam saw mills, at a cost not exceeding ten thousand dollars, and will provide for said Indians, for a period not exceeding two years, and at a cost not exceeding twenty-four hundred dollars, a competent surveyor, for the purpose of fully informing said Indians as to the correct locations of their allotments and the corners and lines thereof.

ARTICLE V.

Opening to settlement.

It is further stipulated and agreed that the lands by this agreement ceded, shall not be opened for public settlement until trust patents for the allotted lands shall have been duly issued and recorded, and the first payment shall have been made to said Indians.

ARTICLE VI.

Lands for religious, etc., uses.

It is further stipulated and agreed that any religious society or other organization now occupying under proper authority, for religious or educational work among the Indians, any of the lands ceded, shall have the right for two years from the date of the ratification of this agreement, within which to purchase the land so occupied, at the rate of three dollars per acre, the same to be conveyed to such society or organization by patent, in the usual form.

ARTICLE VII.

Allotments to deceased Indians to be confirmed.

It is further stipulated and agreed that all allotments made to members of the tribe who have died since the same were made, or may die before the ratification of this agreement, shall be confirmed, and trust patents issued in the names of such allottees, respectively.

ARTICLE VIII.

Payment of first per capita.

It is further stipulated and agreed that the first per capita payment, provided for in Article VIII of this agreement, shall be made to those members of the Nez Perce tribe whose names appear on the schedule of allotments made by Special Agent Fletcher, and to such as may be born to them before the ratification of this agreement: *Provided*, That should it be found that any member of the tribe has been omitted from said schedule, such member shall share in the said payment, and shall be given an allotment, and each subsequent payment shall be made to those who receive the preceding payment and those born thereafter: *Provided*, That not more than one payment shall be made on account of a deceased member.

Article IX.

Intoxicating liquors.

It is further agreed that the lands by this agreement ceded, those retained, and those allotted to the said Nez Perce Indians shall be subject, for a period of twenty-five years, to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Nez Perce Indian allottees, whether under the care of an Indian agent or not, shall, for a like period, be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

Article X.

[28 Stat., 331.]
Claims of certain scouts to be examined.

Representation having been made by the Indians in council that several members of the Nez Perce tribe, to the number of about fifty, as per list hereto attached, served the United States under General O. O. Howard, in the late war with Joseph's Band of said tribe, as scouts, couriers, and messengers, and that they have received no pay therefor; it is agreed that the United States, through its properly constituted authority, will carefully examine each of the cases herewith presented, and make such remuneration to each of said claimants as shall, upon such examination, be found to be due; not exceeding the sum of two dollars and fifty cents per day each, for the time actually engaged in such service; it being understood and agreed that the time of service of said claimants in no case exceeded sixty days. And it also having been made to appear that Abraham Brooks, a member of the Nez Perce tribe of Indians, was engaged in the service of the United States in the late war with Joseph's Band of Nez Perces, and it also appearing that the said Abraham Brooks was wounded in said service, and that by reason thereof he is now in failing health, and has been for several years; that he is now nearly blind in consequence thereof; it is agreed that an investigation of all the facts in the case shall be made by the proper authorities of the United States, as early as practicable, and that if found substantially as herein represented, or if found worthy under the law in such cases provided, he shall be allowed and paid by the United States a pension adequate to the service and disability.

Article XI.

Former treaties in effect.

The existing provisions of all former treaties with said Nez Perce Indians not inconsistent with the provisions of this agreement are hereby continued in full force and effect.

Article XII.

Ratification.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

In witness whereof the said Robert Schleicher, James F. Allen, and Cyrus Beede, on the part of the United States, and the principal men and other male adults of the Nez Perce tribe of Indians, have hereunto set their hands.

Concluded at the Nez Perce Agency, this first day of May, anno domini eighteen hundred and ninety-three.

Robert Schleicher,
James F. Allen,
Cyrus Beede,
A. B. Lawyer; and others.

Therefore,

Agreement confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Amount appropriated.

Disposition.

That for the purpose of carrying the provisions of this Act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one million six hundred and sixty-eight thousand six hundred and twenty-two dollars, of which amount the sum of one million dollars shall be placed to the credit of "the Nez Perce Indians of Idaho" in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum. Said sum of one million six hundred and sixty-eight thousand six hundred and twenty-two dollars, together with the interest on said sum of one million dollars, shall be paid to said Indians, or expended for their benefit, as provided in articles two, three, four, and eight of said agreement; "out of which sum the Secretary of the Interior shall pay to the heirs, administrator, or legal representatives of William G. Langford, deceased, the sum of twenty thousand dollars, upon a release and relinquishment to the United States by said heirs, administrator, or legal representatives of all right, title, interest, or claim, either legal or equitable, in and to the tract of land described in article two of said agreement as therein provided: *Provided*, That none of the money agreed to be paid said Indians, nor any of the interest thereon, shall be, or become, liable to the payment of any judgment or claim for depredations committed by said tribe or any member thereof before the date of said agreement.

[28 Stat., 332.]

William G. Langford.
Payment to heirs.

Proviso.
Depredation claims.

Lands to be opened to settlement on issuing trust patents.

That immediately after the issuance and receipt by the Indians of trust patents for the allotted lands, as provided for in said agreement, the lands so ceded, sold, relinquished, and conveyed to the United States shall be opened to settlement by proclamation of the President, and shall be subject to disposal only under the homestead, town site, stone and timber, and mining laws of the United States, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That each settler on said lands shall, before making final proof and receiving a certificate of entry, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of three dollars and seventy-five cents per acre for agricultural lands, one-half of which shall be paid within three years from the date of original entry; and the sum of five dollars per acre for stone, timber, and mineral lands, subject to the regulations prescribed by existing laws; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged except as to the sum to be paid as aforesaid.

Proviso.
Additional payments for entries.

Surveyor.

That the Commissioner of Indian Affairs be, and he hereby is, authorized to employ a competent surveyor for a period not exceeding two years, at a compensation not exceeding one thousand two hundred dollars per annum, for the purposes stipulated in article four of said agreement, and he is also authorized to purchase two portable sawmills, as provided in article four.

Claims of scouts to be examined.

That the Secretary of the Interior is hereby authorized to examine the claim of those Indians who served the United States under General O. O. Howard in the late war with Joseph's band of said tribe as scouts, couriers, and messengers, referred to in article ten of said agreement, and also as to the claim of Abraham Brooks, mentioned in said article, and report his findings and recommendations to Congress.

AGREEMENT WITH THE YUMA INDIANS IN CALIFORNIA.

Agreement with Yuma Indians for cession of lands in California.

SEC. 17. Whereas Washington J. Houston, John A. Gorman, and Peter R. Brady, duly appointed commissioners on the part of the United States, did on the fourth day of December, eighteen hundred and ninety-three, conclude an agreement with the principal men and other male adults of the Yuma Indians in the State of California, which said agreement is as follows:

Articles of agreement made and entered into this 4th day of December, A. D. 1893, at Fort Yuma, on what is known as the Yuma Indian Reservation, in the county of San Diego, State of California, by Washington J. Houston, John A. Gorman, and Peter R. Brady, commissioners on the part of the United States appointed for the purpose, and the Yuma Indians.

ARTICLE I.

Lands ceded.

[28 Stat., 332.]

Post p. 632.

Location.

The said Yuma Indians, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following-described tract of country in San Diego County, Cal., established by executive order of January ninth, eighteen hundred and eighty-four, which describes its boundaries as follows:

"Beginning at a point in the middle of the channel of the Colorado River, due east of the meander corner to sections nineteen and thirty, township fifteen south, range twenty-four east, San Barnardino meridian; thence west on the line between sections nineteen and thirty to the range line, between townships twenty-three and twenty-four east; thence continuing west on the section line to a point which, when surveyed, will be the corner to sections twenty-two, twenty-three, twenty-six, and twenty-seven, in township fifteen south, range twenty-one east; thence south on the line between sections twenty-six and twenty-seven, in township fifteen south, range twenty-one east, and continuing south on the section lines to the intersection of the international boundary, being the corner to fractional sections thirty-four and thirty-five, in township sixteen south, range twenty-one east; thence easterly on the international boundary to the middle of the channel of the Colorado River; thence up said river, in the middle of the channel thereof, to the place of beginning, be, and the same is hereby, withdrawn from settlement and sale and set apart as a reservation for the Yuma and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided, however*, That any tract or tracts included within the foregoing-described boundaries to which valid rights have attached under the laws of the United States are hereby excluded out of the reservation hereby made.

"It is also hereby ordered that the Fort Yuma military reservation be, and the same is hereby, transferred to the control of the Department of the Interior, to be used for Indian purposes in connection with the Indian reservation established by this order, said military reservation having been abandoned by the War Department for military purposes."

ARTICLE II.

Allotments in severalty to Indians.

Each and every member of said Yuma Indians shall be entitled to select and locate upon said reservation and in adjoining sections five acres of land, which shall be allotted to such Indian in severalty. Each member of said band of Indians over the age of eighteen years shall be entitled to select his or her land, and the father, or, if he be dead, the mother, shall select the land herein provided for for each of his or her children who may be under the age of eighteen years; and if both father and mother of the child under the age of eighteen years shall be dead, then the nearest of kin over the age of eighteen years shall select and locate his or her land; or if such persons shall be without kindred, as aforesaid, then the Commissioner of Indian Affairs, or some one by him authorized, shall select and locate the land of such child.

ARTICLE III.

Allotting.

That the allotments provided for in this agreement shall be made, at the cost of the United States, by a special agent appointed by the Secretary of the Interior for the purpose, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and within sixty days after such special agent shall appear upon said reservation and give notice to the said Indians that he is ready to make such allotments; and if anyone entitled to an allotment hereunder shall fail to make his or her selection within said period of sixty days then such special agent shall proceed at once to make such selection for such person or persons, which shall have the same effect as if made by the person so entitled; and when all of said allotments are made and approved, then all of the residue of said reservation which may be subject to irrigation, except as hereinafter stated, shall be disposed of as follows: The Secretary of the Interior shall cause the said lands to be regularly surveyed and to be subdivided into tracts of ten acres each, and shall cause the said lands to be appraised by a board of three appraisers, composed of an Indian inspector, a special Indian agent, and the agent in charge of the Yuma Indians, who shall appraise said lands, tracts, or subdivisions, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon; and when the appraisement has been approved the Secretary of the Interior shall cause the said lands to be sold at public sale to the highest bidder for cash, at not less than the appraised value thereof, first having given at least sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers of general circulation; and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders then the Secretary of the Interior may sell the same at private sale at not less than the appraised value.

[28 Stat., 334.]
Disposal of lands remaining.

ARTICLE IV.

Proceeds of sales.

That the money realized by the sale of the aforesaid lands shall be placed in the Treasury of the United States, to the credit of the said Yuma Indians, and the same, with interest thereof at five per centum per annum, shall be at all times subject to appropriation by Congress, or to application, by order of the President, for the payment of water rents, building of levees, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements and seeds, and for the education and civilization of said Yuma Indians.

ARTICLE V.

Trust patents to allottees.

Upon the approval of the allotments provided for herein by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which patent shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotments shall have been made, or in case of his or her decease, to his or her heirs or devisees, according to the laws of California, and that at the expiration of said period the

United States will convey the same by patent to said Indian or his heirs or devisees, as aforesaid in fee, discharged of said trust and free of all incumbrance whatsoever.

Conveyances forbidden.

And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void. And during said period of twenty-five years these allotments and improvements thereon shall not be subject to taxation for any purpose, nor subject to be seized upon any execution or other legal process, and the law of descent and partition in force in California shall apply thereto.

ARTICLE VI.

Lands open to settlement.

All lands upon said reservation that can not be irrigated are to be open to settlement under the general land laws of the United States.

ARTICLE VII.

Indian school reserved.
[28 Stat., 286.]

There shall be excepted from the operation of this agreement a tract of land, including the buildings, situate on the hill on the north side of the Colorado River, formerly Fort Yuma, now used as an Indian school, so long as the same shall be used for religious, educational, and hospital purposes for said Indians, and a further grant of land adjacent to the hill is hereby set aside as a farm for said school; the grant for the school site and the school farm not to exceed in all one-half section, or three hundred and twenty acres.

ARTICLE VIII.

Ratification.

This agreement shall be in force from and after its approval by the Congress of the United States.

In witness whereof we have hereunto set our hands and seals the day and year first above written.

WASHINGTON J. HOUSTON, [SEAL.]
JOHN A. GORMAN, [SEAL.]
PETER R. BRADY, [SEAL.]
Commissioners on the part of the United States.

BILL MOJAVE, and others.

Agreement confirmed.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Appropriation for allotting.

That for the purpose of making the allotments provided for in said agreement, including the payment and expenses of the necessary special agent hereby authorized to be appointed by the Secretary of the Interior, and for the necessary resurveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of two thousand dollars, or so much thereof as may be necessary.

Expenses of survey and sale.

That for the purpose of defraying the expenses of the survey and sale of the lands by said agreement relinquished and to be appraised and sold for the benefit of said Indians, the sum of three thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the same to be reimbursed to the United States out of the proceeds of the sale of said lands.

Right of way to Southern Pacific Railroad Company.

That the right of way through the said Yuma Indian Reservation is hereby granted to the Southern Pacific Railroad Company for its line

16 Stat., 579.

Proviso.

Map to be filed.

of railroad as at present constructed, of the same width, with the same rights and privileges, and subject to the limitations, restrictions, and conditions as were granted to the said company by the twenty-third section of the Act approved March third, eighteen hundred and seventy-one, entitled "An Act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes:" *Provided*, That said company shall, within ninety days from the passage of this Act, file with the Secretary of the Interior a map of said right of way, together with a relinquishment by said company of its right of way through said reservation as shown by maps of definite location approved January thirty-one, eighteen hundred and seventy-eight.

Sale of irrigable lands at auction.

[28 Stat., 338.]

Private sale.

Proceeds to credit of Yuma Indians.

Interest.

Proviso.

Prior depredation claims.

The Secretary of the Interior is hereby authorized and directed to cause all the lands ceded by said agreement which may be susceptible of irrigation, after said allotments have been made and approved, and said lands have been surveyed and appraised, and the appraisal approved, to be sold at public sale, by the officers of the land office in the district wherein said lands are situated, to the highest bidder for cash, at not less than the appraised value thereof, after first having given at least sixty days' public notice of the time, place, and terms of sale immediately prior to such sale, by publication in at least two newspapers of general circulation, and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary may cause the same to be sold at private sale at not less than the appraised value. The money realized from the sale of said lands, after deducting the expenses of the sale of said lands, and the other money for which provision is made for the reimbursement of the United States, shall be placed in the Treasury of the United States to the credit of said Yuma Indians, and shall draw interest at the rate of five per centum per annum, and said principal and interest shall be subject to appropriation by Congress, or to application by the President of the United States for the payment of water rents, the building of levees, irrigating ditches and laterals, the purchase of tools, farming implements, and seeds, and for the education and civilization of said Indians: *Provided, however*, That none of said money realized from the sale of said lands, or any of the interest thereon, shall be applied to the payment of any judgment that has been or may hereafter be rendered on claims for damages because of depredations committed by said Indians prior to the date of the agreement herein ratified.

Lands open under general laws.

That all the lands ceded by said agreement which are not susceptible of irrigation shall become a part of the public domain, and shall be opened to settlement and sale by proclamation of the President of the United States, and be subject to disposal under the provisions of the general land laws.

Irrigating canal.

Construction.

Ante, p. 451.

That the Colorado River Irrigating Company, which was granted a right of way for an irrigating canal through the said Yuma Indian Reservation by the Act of Congress approved February fifteenth, eighteen hundred and ninety-three, shall be required to begin the construction of said canal through said reservation within three years from the date of the passage of this Act, otherwise the rights granted by the Act aforesaid shall be forfeited.

Water rents.

That the Secretary of the Interior shall have authority from time to time to fix the rate of water rents to be paid by the said Indians for all domestic, agricultural, and irrigation purposes, and in addition thereto each male adult Indian of the Yuma tribe shall be granted water for one acre of the land which shall be allotted to him, if he utilizes the same in growing crops, free of all rent charges during the period of ten years, to be computed from the date when said irrigation company begins the delivery of water on said reservation.

Act of Chickasaw Nation adopting negroes approved.

SEC. 18. That the approval of Congress is hereby given to "An Act to adopt the negroes of the Chickasaw Nation," and so forth, passed by the legislature of the Chickasaw Nation and approved by the governor thereof January tenth, eighteen hundred and seventy-three, particularly set forth in a letter from the Secretary of the Interior transmitting to Congress a copy of the aforesaid Act, contained in House Executive Document Numbered Two hundred and seven, Forty-second Congress, third session.

* * * * * * *

[28 Stat., 337.]
Uncompaghre Indians, Utah.
Ante, p. 180.

SEC. 20. That the President of the United States is hereby authorized and directed to appoint a commission of three persons to allot in severalty to the Uncompaghre Indians within their reservation, in the Territory of Utah, agricultural and grazing lands according to the treaty of eighteen hundred and eighty, as follows:

Allotments in severalty.

Proviso.
Special selections.

Payment.

"Allotments in severalty of said lands shall be made as follows: To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section; to each single person over eighteen years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each orphan child under eighteen years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each other person under eighteen years of age, born prior to such allotment, one-eighth of a section, with a like quantity of grazing land: *Provided*, That, with the consent of said commission, any adult Indian may select a less quantity of land, if more desirable on account of location:" *And provided*, That the said Indians shall pay one dollar and twenty-five cents per acre for said lands from the fund now in the United States Treasury realized from the sale of their lands in Colorado as provided by their contract with the Government. All necessary surveys, if any, to enable said commission to complete the allotments shall be made under the direction of the General Land Office. Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or will not be required for allotments, and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry as hereinafter provided.

Lands not allotted open to entry.

Proviso.
Mineral claims.

Commutation of agricultural entries.

SEC. 21. That the remainder of the lands on said reservation, shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States: *Provided*, That no person shall be entitled to locate more than two claims, neither to exceed ten acres, on any lands containing asphaltum, gilsonite, or like substances: *Provided*, That after three years actual and continuous residence upon agricultural lands from date of settlement the settler may, upon full payment of one dollar and fifty cents per acre, receive patent for the tract entered. If not commuted at the end of three years the settler shall pay at the time of making final proof the sum of one dollar and fifty cents per acre.

SEC. 22. [Superseded by 1898, ch. 376, post, p. 642.]

Commissioners' salaries, etc.

Proviso.
Cost limited.

SEC. 23. That said commissioners shall receive six dollars per day each, and their actual and necessary traveling and incidental expenses while on duty, and to be allowed a clerk, to be selected by them, whose compensation shall be fixed by said commissioners, subject to the approval of the Secretary of the Interior: *Provided*, That the cost of executing the provisions of this act shall not exceed the sum of sixteen thousand dollars, which sum is hereby appropriated for that purpose out of any moneys in the Treasury not otherwise appropriated.

Approved, August 15, 1894.

Aug. 23, 1894.

28 Stat., 489.

CHAP. 311.—An act granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota.

Northern Mississippi Railway Company granted right of way, Leech Lake, Chippewa, and Winnebagoshish reservations, Minn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Northern Mississippi Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns the right of way for the extension of its railroad through the Leech Lake Indian, Chippewa Indian, and Winnebagoshish Indian reservations, in the State of Minnesota; such right of way to be fifty feet in width on each side of the center line of said railroad; and said company shall also have the right to take from the land adjacent to the line of said road materials, stone, and earth necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, to the extent of one station for every ten miles of road constructed within the limits of said reservations: *Provided,* That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

Width.

See note to 1889, ch. 24, ante, p. 302.

Stations, etc.

Proviso.

Reversion, etc.

Damages.

SEC. 2. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to the Indians for such right of way and provide the time and manner for the payments thereof; and also to ascertain and fix the amount to be paid to individual members of the tribe for damages, if any, by them sustained by reason of the construction of said road. But no right of way of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the grounds for station houses, depots, machine shops, side tracks, turn-outs, and water stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on such reservations, as to the amount of said compensation and right of way, shall have been first obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon said reservations for the purpose of surveying and locating its line of railroad, provided that said line of railroad shall be located, constructed, and operated, with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Plats, etc., to be approved.

Compensation.

Survey, etc.

Construction.

SEC. 3. That the rights herein granted shall be forfeited by said company unless the road is constructed through said reservations within three years.

Amendment.

SEC. 4. That Congress may at any time amend, add to, alter, or repeal this Act.

Approved, August 23, 1894.

Aug. 24, 1894.

28 Stat., 502.

CHAP. 330.—An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises in that company.

Preamble.

Whereas the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, and now doing business in the Indian Territory and Oklahoma Territory under and by virtue of certain Acts of Congress empowering it so to do, is insolvent, and in order to enable the creditors and stockholders of the same to reorganize said company in such a way as to secure the completion of the railroad authorized to be constructed by said company, a sale of its property and franchises is necessary: Therefore,

Choctaw Coal and Railway Company.

Rights, etc., vested in purchaser.

1888, ch. 13, ante, p. 256; 1896, ch. 122, post, p. 565.

Proviso.

Land at South McAlester.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purchasers of the rights of way, railroads, mines, coal leasehold estates, and other property, and the franchises of the said Choctaw Coal and Railway Company at any sale made under or by virtue of any process or decree of any court having jurisdiction thereof, shall be, and are hereby, constituted a corporation and shall be vested with all the right, title, interest, property, possession, claim, and demand in law and equity, of, in, and to such rights of way, railroads, mines, coal leasehold estates, and property of the said Choctaw Coal and Railway Company, and with all the rights, powers, immunities, privileges, and franchises which have been heretofore granted to or conferred upon said company by any Act or Acts of Congress, or which it possesses by virtue of its charter under the laws of Minnesota: *Provided*, That such new corporation shall not have the right to acquire and hold any houses or buildings at South McAlester situate off the right of way and depot grounds of said Choctaw Coal and Railway Company.

Organization of new corporation.

Capital, etc.

Proviso.
Stock limit.

SEC. 2. That the said purchasers of the hereinbefore-mentioned property of the said Choctaw Coal and Railway Company shall meet within thirty days after the conveyance thereof shall have been delivered to them, and organize such new corporation by electing a president and board of nine directors (to continue in office until the second Monday of January succeeding such meeting, when, and annually thereafter, on the said day, a like election for a president and nine directors shall be held to serve for one year), and shall adopt a corporate name and common seal, determine the amount of capital stock and bonds to be issued to the persons for or on whose account said property may have been purchased, and shall have power and authority to make and issue certificates for the said capital stock in shares of fifty dollars each and bonds, and may then, or at any time thereafter, create and issue preferred stock to such an amount and on such terms as they may deem necessary, and from time to time may issue bonds, and may secure all bonds by one or more mortgages upon the real and personal property and corporate rights and franchises, or either or any part or parts thereof: *Provided*, That the capital stock shall not be fixed at an amount in excess of the capital of the said Choctaw Coal and Railway Company, and that no bonds shall be issued except for value received in cash or property.

Certificate of organization, etc., to be filed.

SEC. 3. That it shall be the duty of such new corporation, within one calendar month after its organization, to make a certificate thereof under its common seal, attested by the signature of its president, specifying the date of such organization, the name so adopted, the amount of capital stock, and the names of its president and directors, and transmit the said certificate to the Secretary of the Interior, to be filed in his office, and there remain of record; and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new corporation. And such new corporation shall also, within the said calendar month, cause to be filed in the office of the Secretary of the Interior a copy certified to as correct by the clerk of the court under whose orders or decrees said sale shall have been made, of any conveyance made to it under or by virtue of said sale of the rights of way, railroads, mines, coal leasehold estates, and other property of the said Choctaw Coal and Railway Company, and this Act shall be construed and treated as an assent upon the part of the United States to the acquisition and holding by such new corporation of the estates and premises thereby conveyed, subject to the right of said corporation to thereafter acquire, and hold such additional property as it may

Proviso.
Coal leases.

26 Stat., 650.

lawfully do by virtue thereof: *Provided, however*, That as to all coal leasehold estates or leases of coal claims or rights to mine coal in the Choctaw Nation, such assent shall be upon condition that the said new corporation shall conform to all the provisions, conditions, and limitations contained in the Act approved October first, eighteen hundred and ninety, entitled "An Act giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of right to mine coal in the Choctaw Nation."

Construction of branch roads.
1896, ch. 122, post, p. 505; 1900, ch. 111, post, p. 667.

Proviso.
Condition.

SEC. 4. That it shall and may be lawful for such new corporation to construct and operate branches from its said railroad and for such purpose to take and use rights of way not exceeding one hundred feet in width upon making compensation therefor as provided in the case of taking land for its main line, and to lease its railroads and mines and other property to any company owning or operating a railroad connecting with the railroad of said new corporation on such terms and conditions as may be agreed upon: *Provided*, That the right to construct branches conferred by this section shall exist and be exercised in the Indian Territory only for the purposes of developing and working the leases mentioned in the Act of Congress of October first, eighteen hundred and ninety.

Corporate rights.

SEC. 5. That the said corporation, when organized as hereinbefore provided, shall have and possess perpetual succession and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall have power to ordain, establish, and put in execution such by-laws and regulations as shall be proper, necessary, or convenient for the government of the said corporation, not being contrary to the Constitution and laws of the United States, and generally to do all and singular the matters and things which shall be necessary or convenient to enable the said company to maintain, use, and operate their railroads and mines which it may become possessed of by virtue hereof in conformity with the provisions of the Acts of Congress relating to or affecting the Choctaw Coal and Railway Company.

Annual election of officers.

Action on by-laws, etc.

Meetings.

SEC. 6. That the stockholders of the company shall meet on the second Monday in January in every year at such place as may be fixed on by the by-laws, notice of which meeting shall be given in the manner that may be designated by the by-laws, and choose, by a majority of the voters present or represented, a president and nine directors for the ensuing year, who shall continue in office until the next annual election and until others are chosen; at which annual meeting the said stockholders shall have full power and authority to make, order, [*alter*,] or repeal, by a majority of votes given, any or all such by-laws, rules, orders, and regulations as aforesaid, and to do and perform every other corporate act authorized by their charter; the stockholders may meet at such other times and places as they may be summoned by the president and directors, in such manner and form and giving such notice as may be prescribed by the by-laws. At all meetings stockholders may be represented and vote by proxy.

Manner of elections.

SEC. 7. That the election for president and directors provided for in this Act shall be conducted as follows: The directors for the time being shall appoint three stockholders to be judges of the said election and to hold the same; the persons so appointed shall not be eligible to an election as president or director at said election and shall, respectively, take and subscribe an oath or affirmation before a notary public or other officer qualified to administer oaths well and truly and according to law to conduct such election to the best of their knowledge and ability; and the said judges shall decide upon the qualifications of voters and when the election is closed shall count the votes and declare who have been elected; and if at any time it shall happen that an election of directors shall not be made at the time specified, the corporation shall not for that reason be dissolved, but it shall be lawful

Vacancies.

Votes of shareholders.

to hold and make such election of directors on any day within three months thereafter by giving at least ten days' previous notice of the time and place of holding said election in the manner aforesaid, and the directors of the preceding year shall in that case continue in office, and be invested with all powers belonging to them as such until others are elected in their stead. In the case of the death or resignation of a director, or a failure to elect in case of a tie vote, the vacancy may be filled by the board of directors. At all general meetings or elections by the stockholders, each share of stock shall entitle the holder thereof to one vote, and each ballot shall have indorsed thereon the number of shares represented; but no share or shares transferred within sixty days next preceding any election or general meeting of the stockholders shall entitle the holder or holders thereof to vote at any such election or general meeting, nor shall any proxy be received or entitle the holder to vote unless the same shall bear date and have been duly executed within the three months next preceding such election or general meeting.

Amendment, etc.

SEC. 8. That Congress may at any time amend, alter, or repeal this Act.

Approved, August 24, 1894.

Aug. 27, 1894.

28 Stat., 504.

CHAP. 342.—An act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota.

Duluth and Winnipeg Railway Company granted right of way, Chippewa and White Earth reservations, Minn.

Location.

1897, Res. No. 17, post, p. 619.

See note to 1889, ch. 24, ante, p. 302.

Width, etc.

Stations, etc.

Proviso.

Reversion for nonuser.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Duluth and Winnipeg Railroad Company, a corporation organized and existing under the laws of the State of Minnesota, and to its assigns, the right of way for the extension of its railroad, and for a telegraph and telephone line, through the Chippewa and White Earth Indian reservations in said State, commencing at some point on its already constructed line in said State and running in a general westerly or northwesterly direction, by such route as shall be deemed advisable, to some point on the western boundary line of the said State, or to some point on the northern boundary line thereof, between the Red River of the North and the Lake of the Woods, or to both such points. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station for each ten miles of road within the limits of said reservations: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

Damages to individuals.

Litigation.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Saint Paul or Duluth, Minnesota, shall have jurisdiction upon petition of either party to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes; and the amount of damages resulting to the tribe or tribes of Indians pertaining to said reservations in their tribal capacity, by reason of the construction of said railroad through such lands of the reservations as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval: *Provided, however*, That said railroad company may file with the Secretary of the Interior a bond, in such amount and with such sureties as the Secretary shall approve, conditioned for the payment of just compensation for said right of way to said individual occupants and to said tribe or tribes, as hereinfore provided, and said company may thereupon proceed to construct and operate its railroad across said reservations.

Proviso.
Work may begin on filing bond.

Maps, etc., to be filed.

SEC. 3. That said company shall cause maps, showing the route of its line through said reservations, and including the grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

Surveys.

SEC. 4. That said company is hereby authorized to enter upon said reservations for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located and constructed with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Proviso.
Regulations.

Construction.

SEC. 5. That the right herein granted shall be forfeited by said company, unless the road shall be constructed through the said reservations within three years after the passage of this act.

Approved, August 27, 1894.

Aug. 27, 1894.
28 Stat., 505

CHAP. 343.—An act to amend an act entitled "An act to amend an act entitled 'An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory.'"

Hutchison and Southern Railroad Company.
Ante, p. 438.
Time for right of way extended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section two of the Act entitled "An Act to amend 'An Act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory," approved February third, eighteen hundred and ninety-two, be, and the same hereby are, extended for a further period of three years.

Approved, August 27, 1894.

Aug. 27, 1894.
28 Stat., 507.

CHAP. 346.—An act authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian reservation for school purposes.

Preamble.

Whereas the location of the old mission school on the Omaha Indian reservation, in the State of Nebraska, has become unsuitable for school purposes, and it being necessary to replace the buildings thereon by such as shall be more convenient and commodious, the Presbyterian Board of Home Missions propose to relinquish all claims to the land situate in section twelve, township twenty-five, range nine east of the sixth principal meridian, on said reservation, in the State of Nebraska, occupied for mission purposes for nearly forty years, to the United States, the same to become a part of the reservation wherein it is located; and

Whereas the Omaha Indians, in consideration of said relinquishment and the promise of said board to erect on a proposed new site a building, to be used for school purposes, of the value of seven thousand five hundred dollars, for the benefit of the children and youth of the Omahas, have agreed to relinquish to said board all their right and title in and to the following-described land, for the purpose above named, to wit: the southwest quarter of northeast quarter and west half of southeast quarter and northeast quarter of southeast quarter of fractional section numbered twenty-nine, township twenty-five, range eight east, of the sixth principal meridian, on said Omaha reservation, in Thurston County, Nebraska: Therefore,

Omaha Indian Reservation, Nebraska.
Patent to issue for Presbyterian school, etc., site.

See note to 1882, ch. 434, ante, p. 212.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States of America, upon the execution by the Presbyterian Board of Home Missions of a patent to the United States of the lands now occupied by them, as described in the first preamble herein, is hereby authorized and directed to issue to the Presbyterian Board of Home Missions a patent for the following-described land, to wit: the southwest quarter of northeast quarter and west half of southeast quarter and northeast quarter of southeast quarter of fractional section numbered twenty-nine, township twenty-five, range eight east of the sixth principal meridian, on the Omaha Indian reservation, in Thurston County, Nebraska, containing one hundred and sixty acres, more or less, to have and to hold the same, so long as the said Presbyterian Board of Home Missions shall use and occupy the premises for educational, charitable, and religious purposes, and no longer.

Approved, August 27, 1894.

Dec. 19, 1898.
30 Stat., 576.

RESOLUTION No. 5.—Joint resolution for the protection of those parties who have heretofore been allowed to make entries for lands within the former Mille Lac Indian Reservation in Minnesota.

Public lands.
Bona fide irregular entries on Mille Lac Reservation, Minn., confirmed.

Ante, p. 301.

Patents.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all bona fide pre-emption or homestead filings or entries allowed for lands within the Mille Lac Indian Reservation in the State of Minnesota between the ninth day of January, eighteen hundred and ninety-one, the date of the decision of the Secretary of the Interior holding that the lands within said reservation were subject to disposal as other public lands under the general land laws, and the date of the receipt at the district land office at Taylors Falls, in that State, of the letter from the Commissioner of the General Land Office, communicating to them the decision of the Secretary of the Interior of April twenty-second, eighteen hundred and ninety-two, in which it was definitely determined that said lands were not so subject to disposal, but could only be disposed of according to the provisions of the special Act of January fourteenth, eighteen hundred and eighty-nine (twenty-five Statutes, six hundred and forty-two), be, and the same are hereby, confirmed where regular in other respects, and patent shall issue to the claimants for the lands embraced therein, as in other cases, on a satisfactory showing of a bona fide compliance on their part with the requirements of the laws under which said filings and entries were respectively allowed.

Approved, December 19, 1898.

August 6, 1894.
28 Stat., 589.

RESOLUTION No. 42.—Joint resolution authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona.

Arizona.
Indian expenses incurred by counties.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the First auditor and the First Comptroller of the Treasury be, and they are hereby, Authorized to examine all claims which may be presented in proper form by the different counties in Arizona Territory, and to ascertain the amount due to each of said counties on account of legal costs and expenses incurred from March third, eighteen hundred and eighty-nine, to June thirtieth, eighteen hundred and ninety-three, in the prosecution of Indians under the Act of March third, eighteen hundred and eighty-five, Twenty-third Statutes, page three hundred and eighty-five, for which the United States is liable under Act of March third, eighteen hundred and eighty-nine, Statutes at large, volume twenty-five, page one thousand and four; and which have been paid by said counties; and the amounts so found due shall be certified by the Secretary of the Treasury to the Speaker of the House of Representatives for a deficiency appropriation.

23 Stat., 385.

25 Stat., 1004.

Approved, August 6, 1894.

ACTS OF FIFTY-THIRD CONGRESS—THIRD SESSION, 1895.

Feb. 12, 1895.

28 Stat., 653.

CHAP. 81.—An act granting right of way to the Forest City and Sioux City Railroad Company through the Sioux Indian Reservation.

Forest City and Sioux City Railroad Company granted right of way, Sioux Indian Reservation, S. Dak.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Forest City and Sioux City Railroad Company, a corporation duly organized under the general incorporation laws of the Territory of Dakota, its successors or assigns, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Sioux Indians, and commonly known as the Sioux Indian Reservation, beginning at a point on the west bank of the Missouri River in Dewey County, South Dakota, opposite Forest City, Potter County, South Dakota, running thence by the most practicable route in a southwesterly course between the Cheyenne and Moreau rivers to the city of Deadwood or Rapid City, South Dakota: *Provided,* That no part of the lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used by said railway company such portion shall revert to the tribe of Indians from which the same shall be taken.

Location.

Note to 1876, ch. 289 ante, p. 166.

Proviso. Reversion, etc.

Width, etc.

SEC. 2. That the right of way hereby granted to said company shall be fifty feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of its road. That whenever said right of way is on land opened for settlement and belonging to the Government said company shall be granted said right of way, in accordance with the provisions of the Act of March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States," except that said right of way shall be granted to the extent hereinbefore provided.

Stations, etc.

Use of public lands.

18 Stat., 482.

Damages, etc., to Indians.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein

Consent, etc., of Indians.

Surveys, etc.

provided for until the consent of such Indians as are entitled to such compensation shall be obtained thereto in such manner as the President of the United States shall direct, and until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

Assignment, etc.

Provisos.
Mortgage.

Construction.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within three years from the passage of this Act.

Amendment, etc.

SEC. 5. That Congress shall have at all times power to alter, amend, or repeal this Act and revoke all rights hereunder.

Approved, February 12, 1895.

Feb. 18, 1895.

28 Stat., 665.

CHAP. 95.—An act granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation in the Territory of Arizona.

Gila Valley, Globe and Northern Railway Company granted right of way, San Carlos Indian Reservation, Ariz.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Gila Valley, Globe and Northern Railway Company, a corporation organized and existing under the laws of the Territory of Arizona, and to its assigns, the right of way for the extension of its railroad and for a telegraph and telephone line through the San Carlos Indian Reservation in said Territory, entering the reservation on the south side of the Gila River about seven miles below Fort Thomas, continuing down said Gila River in a generally northwesterly direction, crossing the same at or near the San Carlos Indian Agency; thence running up or near the San Carlos River in a generally northerly direction to or near Aliso Creek; thence along or near Aliso Creek in a generally westerly or northwesterly direction to the town of Globe, in Gila County, Arizona, by such route as shall be deemed advisable by the company.

Width, etc.

Stations, etc.

Provisos.
Reversions, etc.

Consent of Indians.

Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station for each ten miles of road within the limits of said reservation; *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall be taken: *Provided further*, That no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until the consent of such Indians as are entitled to such compensation shall be obtained thereto in such manner as the President of the United States shall

Approval of plats, etc.

Highways.

direct, and until plats thereof, made upon actual survey, for the definite location of said railway, and including the points for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior, and until the compensation provided for has been fixed and paid: *And provided further*, That when any public road or highway is interfered with by said railway said company shall repair the same or construct a new road where such interference may occur in such manner as not to obstruct the public use of such road or highway.

Compensation.

Proviso.
Construction to begin on filing bond.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant the United States district court at Arizona shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of Arizona provided for determining the damage when property is taken for railroad purposes; and the amount of damages resulting to the tribe or tribes of Indians pertaining to said reservation in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval: *Provided, however*, That said railroad company file with the Secretary of the Interior a bond, in such amount and with such sureties as the Secretary shall approve, conditioned for the payment of just compensation for said right of way to said individual occupants and to said tribe or tribes, as hereinbefore provided, and said company may thereupon proceed to construct and operate its railroad across said reservation.

Maps.

SEC. 3. That said company shall cause maps showing the route of its line through said reservation, and including the grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

Surveying.

Proviso.
Regulations.

SEC. 4. That said company is hereby authorized to enter upon said reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located and constructed with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe.

Completion.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said reservation within three years after the passage of this Act.

Amendment, etc.

SEC. 6. That Congress shall have at all times power to alter, amend, or repeal this Act and revoke all rights hereunder.

Approved, February 18, 1895.

Feb. 20, 1895.

28 Stat., 677.

CHAP. 113.—An act to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west forty miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June fifteenth, eighteen hundred and eighty.

Southern Ute Indians, Colorado.
Lands in severalty to, etc.
25 Stat., 133.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement made by J. Montgomery Smith, Thomas S. Childs, and R. B. Weaver, commissioners on the part of the United States, with the Southern Ute Indians of Colorado, bearing date November thirteenth, eighteen hundred and

Ante, p. 180.

See note to 1874, ch. 136, ante, p. 151.

eighty-eight, be, and the same is hereby, annulled, and the treaty made with said Indians June fifteenth, eighteen hundred and eighty, be carried out as herein provided, and as further provided by general law for settling Indians in severalty.

Allotment to Indians.

Post, p. 994.

Ante, p. 180.

Proviso.
Tribal rights.

SEC. 2. That within six months after the passage of this Act the Secretary of the Interior shall cause allotment of land, in severalty, to be made to such of the Southern Ute Indians in Colorado as may elect and be considered by him qualified to take the same out of the agricultural lands embraced in their present reservation in Colorado, such allotments to be made in accordance with the provisions of the Act of Congress approved June fifteenth, eighteen hundred and eighty, entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," and the amendments thereto, as far as applicable hereto, and the treaties heretofore made with said Indians: *Provided*, That Indians taking allotments as herein provided shall retain their interest in all tribal property.

Reservation for Indians not taking allotments.

Agency.

SEC. 3. That for the sole and exclusive use and occupancy of such of said Indians as may not elect or be deemed qualified to take allotments of land in severalty, as provided in the preceding section, there shall be, and is hereby, set apart and reserved all that portion of their present reservation lying west of the range line between ranges thirteen and fourteen west of the New Mexico principal meridian, and also all of townships thirty-one and thirty-two of ranges fourteen, fifteen, and sixteen west of the New Mexico principal meridian and lying in the Territory of New Mexico, subject, however, to the right of the Government to erect and maintain agency buildings thereon and to grant rights of way through the same for railroads, irrigation ditches, highways, and other necessary purposes; and the Government shall maintain an agency at some suitable place on said lands so reserved.

Surplus lands open to settlement.

Provisos.
Appraisals, etc., of improvements.

Maximum.

Proceeds.

SEC. 4. That at the expiration of six months from the passage of this Act the President of the United States shall issue his proclamation declaring the lands embraced within the present reservation of said Indians except such portions as may have been allotted or reserved under the provisions of the preceding sections of this Act, open to occupancy and settlement, and thereupon said lands shall be and become a part of the public domain of the United States, and shall be subject to entry under the desert, homestead, and town-site laws and the laws governing the disposal of coal, mineral, stone, and timber lands; but no homestead settler shall receive a title to any portion of such lands at less than one dollar and twenty-five cents per acre, and shall be required to make a cash payment of fifty cents per acre at the time filing is made upon any of said lands: *Provided*, That before said lands shall be open to public settlement the Secretary of the Interior shall cause the improvements belonging to the Indians on the lands now occupied by them to be appraised and sold at public sale to the highest bidder, except improvements on lands allotted to the Indians in accordance with the provisions of this Act. No sale of such improvements shall be made for less than the appraised value, and the several purchasers of said improvements shall, for thirty days after the issuance of the President's proclamation, have the preference right of entry of the lands upon which the improvements purchased by him are situated: *Provided further*, That the said purchase shall not exceed one hundred and sixty acres: *And provided further*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same.

Disposal of receipts from sales.

SEC. 5. That out of the moneys first realized from the sale of said lands so opened up to public settlement there shall be paid to said Indians the sum of fifty thousand dollars, as follows: Five thousand dollars annually for ten years, and, when paid, the money to be equally

Per capita.

Sheep.

Chiefs.

Balance to be held in trust.

divided among all of said Indians per capita, irrespective of age or sex; also the sum of twenty thousand dollars of said proceeds shall be paid to the Secretary of the Interior, who shall invest the same in sheep and divide the said sheep among the said Indians per capita equally, irrespective of age or sex; also to Ignacio, head chief; to Buckskin Charlie, as chief of the Moaches, and Mariano, as chief of the Weeminuches, the sum of five hundred dollars each; also to Tapucke and Tabewatch, as chiefs of the Capotes, the sum of two hundred and fifty dollars each; that the balance of the money realized from the sale of lands, after deducting expenses of sale and survey, shall be held in the Treasury of the United States in trust for the sole use and benefit of said Southern Ute Indians. That nothing herein provided shall in any manner be construed to change or interfere with the rights of said Indians under any other existing treaty regarding any annuities or trust funds or the interest thereon.

Consent of Indians.

SEC. 6. That the foregoing provisions of this Act shall take effect only upon the acceptance thereof and consent thereto by a majority of all the male adult Indians now located or residing upon the reservation, which acceptance shall be at once obtained under such regulations as the Secretary of the Interior may prescribe.

Approved, February 20, 1895.

Feb. 20, 1895.

[28 Stat., 679.]

CHAP. 114.—An act for the relief of certain Winnebago Indians in Minnesota.

Preamble.

Ante, p. 126.

Whereas by the fourth section of an Act entitled "An Act for the removal of the Winnebago Indians, and for the sale of their reservation in Minnesota for their benefit," approved February twenty-first, eighteen hundred and sixty-three, it was made the duty of the Secretary of the Interior to allot to said Indians in severalty "lands which they may respectively cultivate and improve, not exceeding eighty acres to each head of a family other than to the chiefs to whom larger allotments may be made, which lands, when so allotted, shall be vested in said Indian and his heirs, without the right of alienation, and shall be evidenced by patent;" and

Ante, p. 127.

Whereas by the ninth section of the Indian appropriation Act approved July fifteenth, eighteen hundred and seventy, the Secretary of the Interior was "directed to cause to be investigated and to determine the claims of certain Indians of the Winnebago tribe now lawfully residing in the State of Minnesota; to issue patents, without the right of alienation, to those of them whom he shall find to be entitled thereto for the lands heretofore allotted to them in severalty," and so forth; and

Ante, p. 132.

Whereas by the Indian appropriation Act approved May twenty-ninth, eighteen hundred and seventy-two, it was declared to be the intention and meaning of said ninth and tenth sections of the Act of eighteen hundred and seventy "to authorize and direct the Secretary of the Interior to cause to be patented to each and every Winnebago Indian lawfully resident in the State of Minnesota at the date of this Act, in accordance with the conditions of said two sections, an allotment of land," and so forth; and

Whereas such a restriction for all time, without the right of alienation, by anyone, under any circumstances, is an entailment upon the land, which it is not deemed to be desirable: Therefore,

Winnebago Indians, Minn.

Permitted to alien lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth and ninth sections of the Acts of eighteen hundred and sixty-three and eighteen hundred and seventy, respectively, so far as they relate to the lands of the Winnebago Indians in Minnesota, be, and the same are hereby, modified so as to permit the alienation and conveyance of said lands, with the consent and approval of the Secretary of the Interior.

Approved, February 20, 1895.

Mar. 2, 1895.

28 Stat., 744.

CHAP. 175.—An act to amend section nine of an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes."

Indian Territory.
Right of way to Kansas City, Pittsburg and Gulf Railroad Company, amended.
1893, ch. 169, ante, p. 469.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section nine of an act approved February twenty-seventh, eighteen hundred and ninety-three, entitled "An Act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes," be, and the same is hereby, amended by striking out the words "within three years after the passage of this Act," occurring in the second and third lines of said section, and by substituting in lieu thereof the following words, "prior to the first day of March, eighteen hundred and ninety-seven;" and by striking out the words "within one year thereafter," occurring in the third line of said section, and by substituting in lieu thereof the following words, to wit, "prior to the first day of March, eighteen hundred and ninety-nine;" so that said section nine, when so amended, shall read as follows:

Time for constructing extended.

"SEC. 9. That said railroad company shall build at least fifty miles of its railroad in said Territory prior to the first day of March, eighteen hundred and ninety-seven, and complete main line of the same prior to the first day of March, eighteen hundred and ninety-nine, or the rights herein granted shall be forfeited as to that portion not built. That said railroad company shall construct and maintain continually all fence, road, and highway crossings, and necessary bridges over said railroad whenever said roads and highways do now or may hereafter cross said railroad's right of way or may be by the proper authorities laid out across the same."

Approved, March 2, 1895.

Mar. 2, 1895.

28 Stat., 764.

CHAP. 177.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes.

Legislative, executive, and judicial expenses appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

[28 Stat., 795.]
Cherokee Nation.
Account of moneys due, referred to Attorney-General.

That the account of moneys due the Cherokee Nation under any of the treaties made in the years eighteen hundred and seventeen, eighteen hundred and nineteen, eighteen hundred and twenty-five, eighteen hundred and thirty-three, eighteen hundred and thirty-five, eighteen hundred and thirty-six, eighteen hundred and forty-six, eighteen hundred and sixty-six, and eighteen hundred and sixty-eight and any laws passed by the Congress of the United States for the purpose of carrying said treaties, or any of them, into effect, prepared in accordance with the provisions of the Act of March third, eighteen hundred and ninety-three, and reported to Congress in House Executive Document Numbered One hundred and eighty-two, Fifty-third Congress, third session, be referred to the Attorney-General, and he is hereby authorized and directed to review the conclusions of law reached by the Department of the Interior in said account and report his conclusions thereon to Congress at its next regular session: *Provided*, he may, if he deems such action advisable, refer said account to the Auditor for the Interior Department for a restatement thereof in accordance with the conclusions of law reached by him; which account, when made by the Auditor for the Interior Department, shall be transmitted to the Comptroller of the Treasury for consideration, both upon the law and the facts, and by him, when completed, transmitted to the Attorney-General for

Ante, p. 492.

Report.

Proviso.

Restatement.

report to Congress at its next regular session, as above provided: *Provided further*, That in making such review and restatement there shall be no computation for interest.

No allowance for interest.

* * * * * * *

Approved, March 2, 1895.

Mar. 2, 1895.

28 Stat., 876.

CHAP. 188.—An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated. * * *

For compensating the Indians of the Crow Creek Reservation for loss sustained by those Indians in receiving less land per capita in their diminished reservation than is received by the Indians occupying other diminished reservations, the amount to be added to the share of the permanent fund of the said Crow Creek Indians and to draw interest at the rate of four per centum per annum, one hundred and eighty-seven thousand and thirty-nine dollars.

* * * * * * *

[28 Stat., 889.]
Payment to scouts, etc., Sioux outbreak, etc.

Ante, p. 429.

Vol. 2, p. 588.

Ante, p. 430.
Ante, p. 485.

Unpaid installments.

Distribution per capita.

That for the purpose of paying to the scouts and soldiers of the Sisseton, Wahpeton, Medawaukanton, and Wapakoota bands of Sioux Indians, who were enrolled and entered into the military service of the United States, and served in suppressing what is known as the Sioux outbreak of eighteen hundred and sixty-two, or who were enrolled and served in the armies of the United States in the war of the rebellion, and are now living and to the descendants and members of the families of such scouts and soldiers as are now dead, who were not parties to the agreement entered into between the United States and the Sisseton and Wahpeton bands of Dakota and Sioux Indians on the twelfth day of December, eighteen hundred and eighty-nine, for the reason that they were not residents of the said Sisseton Reservation, and did reside elsewhere, their pro rata share of the amount found due said scouts and soldiers for annuities under the provisions of the fourth article of the treaty of July twenty-third, eighteen hundred and fifty-one, which treaty was proclaimed on the twenty-fourth day of February, in the year of our Lord, eighteen hundred and fifty-three, and which annuities were to be paid to said Indians annually for the period of fifty years, commencing with the first day of July, eighteen hundred and fifty-two, and have now been paid to the said scouts and soldiers and their descendants under the provision of the Act of Congress of March third, eighteen hundred and ninety-one, and of March third, eighteen hundred and ninety-three, to July first, eighteen hundred and ninety-four, leaving to be paid to said Indians, eight installments of said annuities still unpaid, amounting in the aggregate to the Indians aforesaid and their descendants to the sum of forty-nine thousand and sixty-six dollars and sixty-four cents, for the annuities due the first day of July, eighteen hundred and ninety-five, and the first day of July, eighteen hundred and ninety-six, and the first day of July, eighteen hundred and ninety-seven, and the first day of July, eighteen hundred and ninety-eight, and the first day of July, eighteen hundred and ninety-nine, and the first day of July, nineteen hundred, and the first day of July, nineteen hundred and one, and the first day of July, nineteen hundred and two; which sum of forty-nine thousand and sixty-six dollars and sixty-four cents is hereby appropriated, out of the money in the Treasury not otherwise appropriated, to be paid in equal shares and per capita to said scouts and soldiers who are still living, who were not parties to the agreement aforesaid, and the share of any such scout or soldier should receive, if living, shall, in the event he is dead, be divided pro rata between his wife and children, who are not parties to said agreement; and the pay rolls upon which payments have been made to said scouts and soldiers and their wives and children, under the Act of March third, eighteen hundred and ninety-one, and March third, eighteen hundred and ninety-three, shall be conclusive in all cases where the name of the scout or soldier, or of his widow or children appear upon said roll, except in cases where deaths have subsequently occurred, and except in cases where names have been carried upon said roll of Indians who are parties to the said agreement of the twelfth day of December, eighteen hundred and eighty-nine, and have received annuities thereunder, which names shall be dropped from said roll:

Proviso.

Adopted children to be dropped.

And provided, That the names of no children shall be enrolled who are not the natural children of such scout or soldier, and the names of any adopted children heretofore placed upon said roll shall be dropped therefrom.

Addition of names accidentally omitted.

And the Secretary of the Interior is hereby authorized to add the names of any scouts and soldiers of the aforesaid bands who served as such in the armies of the United States between August eighteenth, eighteen hundred and sixty-two, and January first, eighteen hundred and sixty-five, who have been by accident or otherwise previously omitted therefrom, and may add the names of the wife and children of such scout or soldier, if dead, and in extending the payments upon said rolls to individuals, make correct any errors that have heretofore been committed in the amounts paid to individual Indians whose names appear on said rolls, so that each scout or soldier enrolled, and the wife and children of each scout and soldier that is dead, who has been or shall be enrolled, shall receive an equal share of the annuities so restored and paid to said Indians in accordance with the true spirit of this Act, and the said preceding Acts of Congress, and the amount hereby appropriated shall be a full payment and settlement of all the annuities coming to said Indians upon said treaties of eighteen hundred and fifty-one, or any action of the Interior Department, or any Acts of Congress heretofore passed in relation thereto.

* * * * * * *

[28 Stat., 894.]
Puyallup Indian Reservation.
Commission to appraise, etc.
Ante, p. 487.

For continuing the work of the Puyallup Indian Commission appointed under the Act of March third, eighteen hundred and ninety-three (Twenty-sixth Statutes, six hundred and twelve), to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Washington, as are not required for homes for the Indian allottees; and also that part of the agency tract exclusive of the burying ground not needed for school purposes, and for the purpose of defraying the expenses of said Commission the sum of fourteen thousand dollars to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands, as provided in said Act, to be immediately available.

Agreement with Wichita, etc., Oklahoma.

[28 Stat., 895.]

Proclamation, post, p. 1009.

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the fourth day of June, eighteen hundred and ninety-one, conclude an agreement with the Wichita and affiliated bands of Indians in Oklahoma Territory, formerly a part of the Indian Territory, which said agreement is as follows:

"Articles of agreement made and entered into at Anadarko, in the Indian Territory, on the 4th day of June, A. D. 1891, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Wichita and affiliated bands of Indians in the Indian Territory.

"ARTICLE I.

Lands ceded.

"The said Wichita and affiliated bands of Indians in the Indian Territory hereby cede, convey, transfer, relinquish, forever and absolutely, without any reservation whatever, all their claim, title and interest of every kind and character in and to the lands embraced in the following-described tract of country in the Indian Territory, to wit:

"Commencing at a point in the middle of the main channel of the Washita River, where the ninety-eighth meridian of west longitude crosses the same, thence up the middle of the main channel of said river to the line of 98° 40′ west longitude, thence on said line of 98° 40′ due north to the middle of the channel of the main Canadian River, thence down the middle of said main Canadian River to where it crosses the ninety-eighth meridian, thence due south to the place of beginning.

"ARTICLE II.

Allotment of lands to Indians.

"In consideration of the cession recited in the foregoing article, the United States agrees that out of said tract of country there shall be allotted to each and every member of said Wichita and affiliated bands of Indians in the Indian Territory, native and adopted, one hundred and sixty acres of land, in the manner and form as follows:

"Said tract of country shall be, by the United States, classified into grazing and grain-growing land, and when so classified each of said Indians shall be required to take at least one-half in area of his or her allotment in grazing land, subject to the foregoing and other restrictions hereinafter recited. Each and every member of said Wichita and affiliated bands of Indians in the Indian Territory over the age of eighteen years shall have the right to select for himself or herself one hundred and sixty acres of land, to be held and owned in severalty, but to conform to legal surveys in boundary as nearly as practicable; and that the father, or if he be dead the mother (if members of said tribe or bands of Indians), shall have the right to select a like amount of land, under the same restrictions, for each of his or her children under the age of eighteen years; and that the Commissioner of Indian Affairs, or some one appointed by him for the purpose, shall select a like amount of land, under the same restrictions, for each orphan child belonging to said tribe or bands of Indians under the age of eighteen years.

"It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said tract of country that is now used or occupied, or that has been or may hereafter be set apart for military, agency, school, school farm, religious, town site, or other public uses, or in sections sixteen (16) and thirty-six (36) in each Congressional township, except, in cases where any member of said Wichita and affiliated bands of Indians has heretofore made improvements upon and now occupies and uses a part of said section sixteen (16) and thirty-six (36), such Indian may make his or her selection, according to the legal subdivisions, so as to include his or her improvements. It is further agreed tnat wherever in said tract of country any one of said Indians has made improvements and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection, to conform to legal subdivisions, however, so as to include such improvements, without reference to the classification of land hereinbefore recited.

"ARTICLE III.

Selection of lands

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by Congress of the United States; provided, the Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in such time, then the allotting agent in charge of the work of making such allotments shall, within the next thirty (30) days after said time, make allotments to such Indians, which shall have the same force and effect as if the selections were made by the Indians themselves.

"ARTICLE IV.

Titles to be held in trust.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for a period of twenty-five (25) years, in the manner and to the extent provided for in the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes." Approved February 8, 1887. And at the expiration of twenty-five (25) years the title thereto shall be conveyed in fee simple to the allottees, or their heirs, free from all incumbrances.

Ante, p. 33.

"ARTICLE V.

Cash payment.

"In addition to the allotments above provided for, and the other benefits to be received under the preceding articles, said Wichita and affiliated bands of Indians claim and insist that further compensation, in money, should be made to them by the United States, for their possessory right in and to the lands above described in excess of so much thereof as may be required for their said allotments. Therefore it is further agreed that the question as to what sum of money, if any, shall be paid to said Indians for such surplus lands shall be submitted to the Congress of the United States, the decision of Congress thereon to be final and binding upon said Indians; provided, if any sum of money shall be allowed by Congress for surplus lands, it shall be subject to a reduction for each allotment of land that may be taken in excess of one thousand and sixty (1,060) at that price per acre, if any, that may be allowed by Congress.

"ARTICLE VI.

Claims not impaired.

"It is further agreed that there shall be reserved to said Indians the right to prefer against the United States any and every claim that they may believe they have the right to prefer, save and except any claim to the tract of country described in the first article of this agreement.

"ARTICLE VII.

Lands for religious, etc., uses.

"It is hereby further agreed that wherever, in this reservation, any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians the land so occupied may be allotted and confirmed to such society or organization; not, however, to exceed one hundred and sixty (160) acres of land to any one society or organization, so long as the same shall be so occupied and used, and such land shall not be subject to homestead entry. That whenever said lands are abandoned for school purposes the same shall revert to said Indian Tribes and be disposed of for their benefit.

[28 Stat., 897.]

"ARTICLE VIII.

Ratification.

"This agreement shall have effect whenever it shall be ratified by the Congress of the United States.

"In witness whereof, the said commissioners on the part of the United States have hereunto set their hands, and the undersigned members of the said Wichita and affiliated bands of Indians have set their hands, the day and year first above written."

Agreement confirmed.

That said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein provided.

Price per acre.

Proviso.
Payment.

The compensation to be allowed in full for all Indian claims to these lands which may be sustained by said court in the scrip hereinafter provided for shall not exceed one dollar and twenty-five cents per acre for so much of said land as will not be required for allotment to the Indians as provided in the foregoing agreement, subject to such reduction as may be found necessary under article five of said agreement: *Provided*, That no part of said sum shall be paid except as hereinafter provided.

Allotment expenses.

That for the purpose of making the allotments provided for in said agreement, including the pay and expenses of the necessary special agent or agents hereby authorized to be appointed by the President for the purpose and the necessary resurveys, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary.

Disposal of lands.

Provisos.
Fees.

Homestead entries.

Soldiers, etc.

R. S., secs. 2304, 2305, p. 422.

Adjoining lands.

Opening.

That whenever any of the lands acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entry man shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entry man has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any qualified entry man having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres, may take sufficient land from said reservation to make his homestead entry not to exceed one hundred and sixty acres in all, said land to be taken upon the same conditions as are required of other entry men: *Provided*, That said lands shall be opened to settlement within one year after said allotments are made to the Indians.

Educational lands.

Proviso.
Payment for.

That sections sixteen and thirty-six, thirteen and thirty-three, of the lands hereby acquired, in each township, shall not be subject to entry, but shall be reserved, sections sixteen and thirty-six for the use of the common schools, and sections thirteen and thirty-three for university, agricultural college, normal schools, and public buildings of the Territory and future State of Oklahoma; and in case either of said sections or parts thereof is lost to said Territory by reason of allotment under this Act or otherwise the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss: *Provided*, That the United States shall pay the Indians for said reserved sections the same price as is paid for the lands not reserved.

[28 Stat., 898.]
Receipts to await suit.

Proviso.
Title.

That as fast as the lands opened for settlement under this Act are sold, the money received from such sales shall be deposited in the Treasury subject to the judgment of the court in the suit herein provided for, less such amount, not to exceed fifteen thousand dollars, as the Secretary of the Interior may find due Luther H. Pike, deceased, late delegate of said Indians, in accordance with his agreement with said Indians, to be retained in the Treasury to the credit and subject to the drafts of the legal representative of said Luther H. Pike: *Provided*, That no part of said money shall be paid to said Indians until the question of title to the same is fully settled.

Court of Claims to hear claim of Choctaw and Chickasaw.

See note to 1898, ch. 517, post, p. 656.

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing agreement, which claim is controverted by the United States, jurisdiction be, and is hereby, conferred upon the Court of Claims to hear and determine the said claim of the Choctaws and Chickasaws and to render judgment thereon, it being the intention of this Act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States, and the Choctaw and Chickasaw nations, and the Wichita and affiliated bands of Indians in the premises, shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States, and either of the parties to said action shall have the right of appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this Act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

Provisos.
Appeal.

Right not conceded.

Proceedings.

That said action shall be presented by a single petition making the United States and the Wichita and affiliated bands of Indians parties defendant and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorney of said nations upon information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this Act their claim shall be forever barred: *And provided further*, That it shall be the duty of the Attorney-General of the United States, within ten days after the filing of said petition, to give notice to said Wichitas and affiliated bands through the agents, delegates, attorneys, or other representatives of said bands that said bands are made defendants in said suit, of the purpose of said suit, that they are required to make answer to said petition, and that Congress has, in accordance with article five of said agreement adopted this method of determining their compensation, if any. And the answer of the Wichitas and affiliated bands shall state the facts on which they rely for compensation, and may be verified by their agents, delegates, attorneys, or other representatives upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *And provided also*, That said Wichitas and affiliated bands shall file their answer in said suit within sixty days after they shall receive from the Attorney-General of the United States the notice herein provided for unless further time is granted by the court, and in the event of failure to answer they may be barred from all claim in the premises aforesaid.

Provisos.
Time limit.

Notice to Wichita, etc., of suit.

Answer of Wichita, etc.

Evidence to be received.

The said Court of Claims shall receive and consider as evidence in the suit everything which shall be deemed by said court necessary to aid it in determining the questions presented, and tending to shed light on the claim, rights, and equities of the parties litigant, and issue rules on any department of the Government therefor if necessary.

[28 Stat., 900.]
Choctaw and Chickasaw may negotiate with Commission.

Ante, p. 493.

Settlement.

It is hereby further provided that said Choctaw and Chickasaw nations may, at any time before the rendition of final judgment in said case by the Court of Claims, negotiate with the Commissioners appointed under section sixteen of the Act of Congress approved the third day of March, eighteen hundred and ninety-three (Twenth-seventh Statutes, page six hundred and forty-five), or with any successor or successors in said Commission for the settlement of the said matters involved in said suit, and move the suspension of such action until such negotiations shall be accepted or rejected by Congress; such settlement, however, to be made with the concurrence of the Secretary of the Interior and Attorney-General of the United States.

Mineral laws.

That the laws relating to the mineral lands of the United States are hereby extended over the lands ceded by the foregoing agreement.

Settlers on Crow Creek and Winnebago reservations.

Payment for removals.

See note, 1882, ch. 74, ante, p. 195.

28 Stat., 307.

Ante, p. 372.

That the Secretary of the Interior is hereby authorized and directed to reimburse, out of any unexpended balance of the appropriation of three thousand dollars for reimbursing certain settlers on the Crow Creek and Winnebago Indian reservations in South Dakota whose claims "were held for further proof," and so forth, made by the Indian appropriation Act approved August fifteenth, eighteen hundred and ninety-four, and out of the further sum of three thousand dollars which is hereby appropriated for the purpose, those settlers upon said reservations between the dates indicated in said Act whose claims have not heretofore been investigated under the provisions of the Act of Congress approved October first, eighteen hundred and ninety, authorizing the ascertainment of the losses of such settlers, for the actual and necessary losses which he finds upon investigation they have sustained as a result of such settlement: *Provided*, That the claims of such settlers, with accompanying proofs, shall be filed in the Department of the Interior within six months from the date of the approval of this Act: *Provided*, That any claimant whose claim has heretofore been wholly disallowed by the Interior Department may within six months after the passage of this Act, bring suit upon the same in the Court of Claims, and the time of removal from the reservation by said claimant shall be no bar to said suit.

Provisos.

Filing claims.

Suit on disallowed claims.

Transfer of evidence.

The Interior Department shall transfer all the papers filed in any such claim to the Court of Claims to be used as evidence therein, and the rights and equities of such claimant to damages sustained by reason of removal from such lands shall be by the Court fully considered and determined: *Provided, however*, That if the Court shall find that any such claimant arbitrarily disobeyed, or neglected without good reason to obey, the order of removal, his claim shall be disallowed.

Proviso.

Conditions.

* * * * * * *

[28 Stat., 901.]

Albert Pike.

Claim against Choctaw to be tried in Court of Claims.

31 Ct. Cls., 192.

See note to 1898, c. 517, post, p. 656.

That jurisdiction upon the principles of law and equity be, and it is hereby, conferred upon the Court of Claims to hear and determine a suit that may be instituted therein by Yvon Pike, Lilian Pike, and the legal representatives of Luther H. Pike, children and heirs at law of Albert Pike, deceased, late a citizen of the State of Arkansas, against the Choctaw Nation of Indians for just compensation to them for and on account of services as attorney at law and otherwise rendered to and for said nation by the said Albert Pike in his lifetime, in and about the prosecution of the so-called "net proceeds" claim of said nation against the United States and in other business, and to render such judgment or decree in said suit, upon the merits thereof, as the facts will warrant, and as shall be just and equitable, with right of appeal to the Supreme Court of the United States from said judgment or decree to either party to said suit.

* * * * * * *

Oklahoma.

Homestead settlers granted time to complete entries.

Ante, p. 419.

That the homestead settlers on the Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe Indian lands in Oklahoma Territory be, and they are hereby, granted an extension of one year within which to make the first payment provided for in section sixteen of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes," and such payment may be made at any time within five years from the date of the entry

Extended to reservations in North Dakota, etc.

of such lands. And that the like extension of one year on the first payment required to be made, when payable in installments, is hereby granted to all homestead settlers on and purchasers of all ceded Indian reservations in the States of North Dakota, South Dakota, Nebraska, Montana, and Idaho.

Iowa of Kansas and Nebraska.
Negotiations for lands for, from Oto and Missouri.

That the Secretary of the Interior be, and hereby is, authorized and directed to negotiate with the Otoe and Missouria tribe of Indians, located in the Territory of Oklahoma, and, if practicable, to purchase from the said tribe a sufficient quantity of their surplus lands to allot to members of the Iowa tribe of Indians, in Kansas and Nebraska, as hereinafter set forth:

Proviso.
Other lands may be taken.

Provided, That in case the Secretary of the Interior deems best for the interests of the said Iowa tribe he is hereby authorized to allot to the said Iowa Indians lands that have been, or may hereafter be, ceded to the United States by the Comanche, Kiowa, and Apache, or the Wichita tribes of Indians, located in the Territory of Oklahoma.

Allotments.

The lands so secured to be allotted in tracts of eighty acres of farming land to each person who has not already received an allotment of land who was recognized as a member on May first, eighteen hundred and ninety-four, of the Iowa tribe of Indians, in Kansas and Nebraska, and to children born to members of the tribe since the former allotment, and to such other persons of Iowa blood who may be admitted to membership by authority of the said Iowa tribe, with the approval of the Commissioner of Indian Affairs, previous to the completion of the allotments hereinbefore provided for; said allotments to be made under the provisions of the Act of Congress providing for the allotment of lands in severalty to Indians on the various reservations, approved February eighth, eighteen hundred and eighty-seven.

Payments.

The cost of the land hereby authorized to be purchased from the Otoe and Missouria tribe of Indians, or the lands owned by the United States that are allotted as aforesaid, shall be paid to the said Otoe and Missouria tribe or reimbursed to the United States from funds due the said Iowa tribe of Indians now held in trust by the United States, payment of said sum to be under the direction of the Secretary of the Interior: *Provided*, That a majority of the male adult members of the said Iowa tribe of Indians shall first agree to the provisions hereof.

Civilization, etc.

That with the consent of the Otoe and Missouria tribe of Indians, to be obtained in such a manner as the Secretary of the Interior may direct, said Secretary is authorized to expend any of the principal sum derived from the sale of their lands in Kansas and Nebraska, not to exceed thirty thousand dollars, the same to be expended per capita, in his discretion, in the erection of houses and other necessary farm buildings on their individual allotments, in the purchase of seed, farm implements, and domestic animals, and in settling them upon their lands, and in preparing them to begin agricultural life:

Proviso.
Cash payments.

Provided, That the Secretary of the Interior may, in his discretion, pay to any of said Indians, whom he may consider capable of judiciously expending their money, their per capita share of such sum in cash:

Expenses of delegates.

Provided further, That the Secretary of the Interior is hereby authorized and directed to pay the five Indian delegates of said tribes now in Washington two hundred and fifty dollars each out of this appropriation to cover their board and traveling expenses in coming to and returning from Washington, to be immediately available.

* * * * * * *

[28 Stat., 907.]
Quapaw Indians.
Allotments confirmed.

See note to 1872, c. 309, ante, p. 136.

That the allotments of land made to the Quapaw Indians, in the Indian Territory, in pursuance of an act of the Quapaw National Council, approved March twenty-third, eighteen hundred and ninety-three, be and the same are hereby ratified and confirmed, subject to revision, correction and approval by the Secretary of the Interior:

Provisions.
Revisions.

Provided, however, That any allottee who may be dissatisfied with his allotment shall have all the rights to contest the same provided for in

Patents.
Inalienable for twenty-five years.
Surplus lands.

said Act of the Quapaw National Council subject to revision, correction, and approval by the Secretary of the Interior. And the Secretary of the Interior is hereby authorized to issue patents to said allottees in accordance therewith: *Provided*, That said allotments shall be inalienable for a period of twenty-five years from and after the date of said patents: *And provided further*, That the surplus lands on said reservation, if any, may be allotted from time to time, by said tribe to its members, under the above entitled act.

* * * * * * *

[28 Stat., 908.]
Wyandot.
Purchase of lands for absentees.

SEC. 9. That the sum of six thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, or so much thereof as may be necessary, said amount to be an additional sum to that appropriated by Act of Congress approved August fifteenth, eighteen hundred and ninety-four, made for the purpose of purchasing lands for the absentee Wyandotte Indians and said Act of Congress is hereby amended to provide that should such lands be purchased of either of the civilized tribes of Indians the lands so purchased shall not be taken in severalty until such time as the lands belonging to the Indians from which the purchase is made shall be taken in severalty, and no person shall be deprived of the benefits of this Act and the Act of August fifteenth, eighteen hundred and ninety-four, above referred to, by reason of having been born of an Indian woman who has married a white man: *Provided*, That said absent Wyandotte Indians accept the above amount in full payment of all demands against the Government. The Secretary of the Interior is hereby authorized to employ R. B. Armstrong, of Wyandotte County, Kansas, the attorney of the absentee Wyandotte Indians, as a special agent for the purchase of the lands as provided for in the Act of Congress above referred to, and for other work necessary in the premises, and to pay the said attorney what may be deemed fair and equitable, not exceeding the sum of six hundred dollars.

Conditions.

Proviso.
Acceptance to be in full.

Special agent.

Potawatomi and Kickapoo.
Sale of lands in Kansas in trust for.
See Mar. 28, 1899, post, p. 680; April 11, 1896, post, p. 639.

SEC. 10. That with the consent of a majority of the chiefs, headmen, and male adults of the Pottawatomie tribe of Indians and the Kickapoo tribe of Indians in the State of Kansas, expressed in open council by each tribe, the Secretary of the Interior be, and he hereby is, authorized to cause to be sold, in trust for said Indians, the surplus or unallotted lands of the reservations of the Pottawatomie tribe of Indians of Jackson County, Kansas, and the Kickapoo tribe of Indians in Brown County, Kansas. The said lands shall be appraised, in tracts of eighty acres each, by three competent commissioners, one of whom shall be selected by the Indians, and the other two shall be appointed by the Secretary of the Interior: *Provided*, That either tribe may consent to the sale of its own lands and select a commissioner without the consent of the other, and when one tribe does consent to such sale the Secretary of the Interior shall proceed to sell the surplus lands of such tribe.

Appraisal.

Proviso.
Selection of commissioner.

Public sale.

That after the appraisement of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same, through the United States public land office at Topeka, Kansas, at public sale to the highest bidder: *Provided*, That no portion of such land shall be sold at less than the appraised value thereof, and in no case for less than six dollars per acre, and to none except persons over twenty-one years of age and to such as purchase the same for actual occupation and settlement, and who have made and subscribed on oath, before the register of said land office, and filed the same with said officer of the land office, at Topeka, Kansas, that it is his good-faith intention to settle upon and occupy the land which he seeks to purchase, and improve the same for a home; and, except in case of death of the purchaser, unless said party shall have executed his declared intention by making improvements and being in actual occupation of said land, by actual residence thereon, at the time for making the second payment, he shall forfeit the pay-

Provisos.
Minimum price, etc.

Purchases by Indians.

Payments.

Patents to be retained until payment in full.

ment already made, and the land shall be subject to resale as hereinafter provided. Each purchaser of said lands at such sale shall be entitled to purchase one hundred and sixty acres of land, and no more, except in cases where a tract contains a fractional excess over one hundred and sixty acres: *Provided*, That any Indian twenty-one years of age may purchase not exceeding one hundred and sixty acres without the requirements as to settlement upon the lands. All purchasers shall pay one-fourth of the purchase price at the time said land is bid off, one-fourth in one year, one-fourth in two years, and one-fourth in three years, with interest on the deferred payments at the rate of six per centum per annum, and such sums when paid shall be placed in the Treasury of the United States to the credit of the respective tribes of Indians, and draw interest at the rate of five per centum per annum, which interest shall be paid annually to said tribes, respectively, per capita, in cash. No patents shall issue until all payments shall have been made; and on failure of any purchaser to make payment as required by this section he shall forfeit the lands purchased, and the same shall be subject to entry and sale, at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

School lands exempt from sale.

That there shall be exempted from the provisions of this section the lands upon which the two boarding, or industrial, schools are located on these reservations, not exceeding six hundred and forty acres for each school, the amount to be determined and designated, after the tribe shall have assented, by the Secretary of the Interior.

Expenses, reimbursable.

That for the purpose of carrying this section into effect the sum of one thousand five hundred dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be reimbursed to the United States out of the proceeds of the first sales of lands made under the provisions hereof, each tribe to be charged only with the expenses attending the sale of its own lands.

Allotment to children.

Proviso.
Action on this section.

That before any of the surplus lands belonging to the Kickapoo tribe of Indians shall be sold under the provisions of this section there shall be allotted by the Secretary of the Interior eighty acres to each of the children of said tribe residing on or adjacent to said reservation who have not heretofore received any lands: *Provided*, That this section may be adopted or rejected separate and apart from the other provisions of this Act, by the said Kickapoo tribe.

Special agent to make payments.

Compensation.

Bond.

SEC. 11. That in all payments or disbursements of money to Indians individually the Secretary of the Interior is hereby authorized, in his discretion, to detail an officer from his Department or appoint a special agent to make or to superintend and inspect such payments; and when made by special agent the Secretary shall fix a reasonable compensation for the services of such special agent and pay it out of the money to be disbursed. In all cases the agent making such payment shall give bond to the United States in double the amount to be disbursed, with good and sufficient security, to be approved by the Secretary, conditioned for the faithful performance of his duties. All such payments to be made under such rules and regulations as the Secretary may prescribe.

Approved, March 2, 1895.

Feb. 20, 1895.
28 Stat., 970.

RESOLUTION No. 16.—Joint resolution to confirm the enlargement of the Red Cliff Indian Reservation in the State of Wisconsin, made in eighteen hundred and sixty-three, and for the allotment of same.

Red Cliff Indian Reservation, Wis.
Lands added to.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands in townships numbered fifty-one and fifty-two north, of range three west; fifty-one and fifty-two north, of range four west; and fifty-one and fifty-two north, of range five west, in Bayfield County, Wisconsin, withdrawn from sale or location for the purpose of an enlargement of the Red Cliff Indian Reservation in said county by the several orders of the Commissioner of the General Land Office bearing dates May twenty-seventh, eighteen hundred and sixty-three, June third, eighteen hundred and sixty-three, and September eleventh, eighteen hundred and sixty-three, be, and they hereby are, declared to be a part of said Indian reservation as fully and to the same effect as if they had been embraced in and reserved as a part of said Red Cliff Reservation by the provisions of the treaty with the Chippewas of Lake Superior dated September thirtieth, eighteen hundred and fifty-four; and said lands shall be allotted to the members of the Red Cliff band of said Chippewas of Lake Superior in accordance with the provisions of said treaty: *Provided*, That the President of the United States in making allotments may divide said lands between said Indians in such manner as will in his judgment be the most equitable.

Vol. 2, p. 648.

Proviso.
Division of allotments.

Approved, February 20, 1895.

ACTS OF FIFTY-FOURTH CONGRESS—FIRST SESSION, 1896.

Feb. 13, 1896.
29 Stat., 6.

CHAP. 19.—An act to amend an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes," approved February twenty-seventh, eighteen hundred and ninety-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of an Act entitled "An Act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes," approved February twenty-seventh, eighteen hundred and ninety-three, be, and the same is hereby, amended by inserting immediately after the word "Texas" in said section the following words, to wit: "With the right to locate, construct, operate, and maintain a branch railroad, telegraph, and telephone line from some point on the main line of said railroad in the Indian Territory, south of the Arkansas River and north of the town of Poteau, by the most feasible and practicable route, to the city of Fort Smith, in the State of Arkansas, and with the right to build in the line of said branch railroad a bridge across the Poteau River, whose plan of construction shall be first approved by the Secretary of War," and with the right to locate, construct, maintain, and operate a spur of its railroad from a point on said branch about four miles northeast of Scullyville, by the most practicable route to a point on the western line of the State of Arkansas about ten miles south of Fort Smith; and with the right to build in the line of said spur a bridge over the Poteau River, whose plan of construction shall first be approved by the Secretary of War, so that said first section when so amended shall read as follows:

Right of way, Kansas City, Pittsburg and Gulf Railroad Company, through Indian Territory.
1893, ch. 169, ante, p. 409.

Branch roads and bridges authorized.

"That the Kansas City, Pittsburg and Gulf Railroad Company, a corporation created under and by virtue of the laws of the State of Missouri, be, and the same is hereby, invested and empowered with the right of locating, constructing, operating, using, and maintaining a railroad, telegraph, and telephone line through the Indian Territory, beginning at a point on the south line of Cherokee County near the town of Galena, in the State of Kansas, and running thence in a southerly direction through the Indian Territory, or through the State of Arkansas and the Indian Territory, by the most feasible and practicable route, to a point on the Red River near the town of Clarksville, in the

Location of right of way.

State of Texas, with the right to locate, construct, operate, and maintain a branch railroad, telegraph, and telephone line from some point on the main line of said railroad in the Indian Territory, south of the Arkansas River and north of the town of Poteau, by the most feasible and practicable route, to the city of Fort Smith, in the State of Arkansas, and with the right to build in the line of said branch railroad a bridge across the Poteau River, whose plan of construction shall be first approved by the Secretary of War, and with the right to locate, construct, maintain, and operate a spur of its railroad from a point on said branch about four miles northeast of Scullyville, by the most practicable route to a point on the western line of the State of Arkansas about ten miles south of Fort Smith; and with the right to build in the line of said spur a bridge over the Poteau River, whose plan of construction shall first be approved by the Secretary of War, and with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem its interest to construct along and upon the right of way and depot grounds herein provided for."

Approved, February 13, 1896.

Feb. 20, 1896.

29 Stat., 9.

CHAP. 24.—An act to extend the mineral-land laws of the United States to lands embraced in the north half of the Colville Indian Reservation.

Colville Indian Reservation, Wash.

Mineral-land laws extended to.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mineral-land laws of the United States be, and are hereby, extended so as to apply to all lands embraced within the Colville Indian Reservation, namely: Beginning at a point on the eastern boundary line of the Colville Indian Reservation, where the township line between townships thirty-four and thirty-five north, of range thirty-seven east, of the Willamette meridian, if extended west would intersect the same, said point being in the middle of the channel of the Columbia River, and running thence west parallel with the forty-ninth parallel of latitude to the western boundary line of said Colville Indian Reservation in the Okanogan River, thence north following the said western boundary line to the said forty-ninth parallel of latitude, thence east along the said forty-ninth parallel of latitude to the northeast corner of the said Colville Indian Reservation, thence south following the eastern boundary of said reservation to the place of beginning:

Proviso.

Lands excepted.

Ante, p. 441.

Provided, That the land used and occupied for school purposes at what is known as Tonasket School, on Bonapart Creek, and the site of the sawmill, gristmill, and other mill property on said reservation, is hereby reserved from the operation of this act, unless other lands are selected in lieu thereof as provided in section six of the act which became a law, without the approval of the President, July first, eighteen hundred and ninety-two, entitled "An act to provide for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes."

Approved, February 20, 1896.

Feb. 20, 1896.

29 Stat., 10.

CHAP. 26.—An act to amend section twenty-one of an Act entitled "An Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March second, eighteen hundred and eighty-nine.

Chamberlain, S. Dak.

Donation of American Island to.

Ante, p. 332.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-one of an Act entitled "An Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March second, eighteen hundred and eighty-nine, be, and the same is hereby, amended by adding to said section the following:

Leases, etc., of island authorized.

"That the said city of Chamberlain, by and through its regular city council, shall have authority to either by itself or under a system of leases, securing a revenue to the city, to use or lease said island for public assemblies of a religious, literary, political, or scientific character; to use or lease the same for fair grounds or driving park purposes; the right to improve, use, or lease to improve and use, the springs on said island for sanitarium and bathing purposes, together with the right to erect such buildings and make such improvements as may be necessary to provide for the comfort and convenience of those connected therewith or visiting said island for any of the purposes named, the said city council at all times having authority to control and regulate all the fees or charges made by any person or association thereon for any of the purposes herein enumerated, and full authority to construct roadways, and lay out said island into grounds, parks, or lots suitable for the uses herein allowed and provided for, said island always remaining free to the public for the ordinary uses of a public park: *Provided*, That such leases shall not be for a longer period than ten years, and shall not in the aggregate embrace or cover more than one-third the area of said island."

Proviso.
Limit.

Approved, February 20, 1896.

Feb. 24, 1896.

29 Stat., 12.

CHAP. 29.—An act granting to the Brainerd and Northern Minnesota Railway Company a right of way through the Leech Lake Indian Reservation and Chippewa Indian Reservation, in Minnesota.

Brainerd and Northern Minnesota Railway Company granted right of way, Indian reservations, Minnesota.

See note to 1889, ch. 24, ante, p. 302.

Leech Lake Reservation.

Chippewa Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Brainerd and Northern Minnesota Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and to its assigns, the right of way for the extension of its railroad, with necessary side tracks and switch tracks, and for a telegraph and telephone line, through the Leech Lake Indian Reservation, commencing at a point in the south line of said Indian reservation and extending northwesterly through section eleven, of township one hundred and forty-one, range thirty-one, to a point in the west line of said reservation in section two; also through the Chippewa Indian Reservation, in said State, commencing at a point in the south line of said Indian reservation, in township one hundred and forty-two north, of range thirty-one west, and extending in a northwesterly direction from the terminus of the line as now constructed along the most feasible and practicable route, through townships one hundred and forty-three north, of ranges thirty-one and thirty-two west, to a point in the west line of said reservation, with the right to load logs on said railroad at the points in said reservation where the same may run adjacent or contiguous to the waters of Leech Lake. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station within the limits of said Chippewa Reservation: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any por-

Width, etc.

Stations, etc.

Proviso.
Reversion, etc.

tion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

Compensation.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of such railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Saint Paul or Duluth, Minnesota, shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes; and the amount of damages resulting to the tribe or tribes of Indians pertaining to said reservation in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval: *Provided, however,* That said railroad company may file with the Secretary of the Interior a bond, in such amount and with such sureties as the Secretary shall approve, conditioned for the payment of just compensation for said right of way to said individual occupants and to said tribe or tribes, as hereinbefore provided, and said company may thereupon proceed to construct and operate its railroad across said reservation.

Damages to tribes.

Proviso.
Construction to begin on filing bond.

Maps.

SEC. 3. That said company shall cause maps, showing the route of its line through said reservation, and including the grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

Surveys.

SEC. 4. That said company is hereby authorized to enter upon said reservation for the purpose of surveying and locating its line of railroad: *Provided,* That said railroad shall be located and constructed with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Proviso.
Location.

Completion.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said reservation within three years after the passage of this Act.

Amendment, etc.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this Act, or any part thereof.

Received by the President, February 12, 1896.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Feb. 24, 1896.

29 Stat., 12.

CHAP. 30.—An act to authorize the Arkansas and Choctaw Railway Company to construct and operate a railway through the Choctaw Nation, in the Indian Territory, and for other purposes.

Arkansas and Choctaw Railway Company granted right of way, Indian Territory.
See note to 1898, ch. 517, post, p. 656.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arkansas and Choctaw Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Choctaw Nation, in the Indian Territory, beginning at the point on the boundary line between the said Choctaw Nation and the county of Little River, in the State of Arkansas, where the said railway may run, when constructed in the State of Arkansas,

Location.

thence running, by the most feasible and practicable route, in a northwesterly direction through the said Choctaw Nation, to such point at or near the town of Atoka, in said nation, as said corporation may select, with the right to construct, use, and maintain such tracts, turn-outs, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

Width.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway and telegraph and telephone line, and for no other purpose, a right of way one hundred feet in width through the said Choctaw Nation, for the said Arkansas and Choctaw Railway Company, the same to be fifty feet on either side of the track of said railway from the center thereof, and, in addition to the above right of way, to take and use a strip of land one hundred feet in width, with a length of two thousand feet, for stations at such points as the said railway company may deem to their interest to erect, with the right to use such additional grounds, where there are heavy cuts or fills, as may be necessary for the construction and maintenance of the roadbed and track, not exceeding fifty feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the Choctaw Nation.

Stations, etc.

Provisos.
Limit.

Reversion, etc.

Damages.

SEC. 3. That before said railway and telegraph and telephone line shall be constructed through any lands held by individual occupants, according to the laws, usages, and custom of the Choctaw Nation, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway and telegraph and telephone line. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the principal chief of the Choctaw Nation, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a judge or clerk of a United States court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with, the Secretary of the Interior within sixty days from the completion thereof; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the judge of the United States court for the central district of the Indian Territory upon the application of the other party. A majority of said referees shall be competent to act in case of the absence of a member, after due notice. The chairman of such board shall appoint the time and place for all hearings: *Provided*, That the hearings shall be within the county where the property is situated for which compensation is being assessed for the taking thereof or damage thereto, and at a place as convenient as may be for said occupant, unless said occupant and said railway company agree to have the hearing at another place. Each of said referees shall receive for his services the sum of four dollars per day for each day he is engaged in assessing compensation, with mileage of five cents per mile for each mile necessarily traveled in the discharge of his duties. Said board of referees shall have power to call for and examine witnesses under oath, and said witnesses shall receive the usual fees allowed witnesses

Appraisal.
Referees.

Oath.

Vacancies, etc.

Proviso.
Hearings.

Compensation, etc.

Costs, etc.

by the laws of the Choctaw Nation. Costs, including compensation of the referees, shall be made a part of the award and be paid by the said railway company. In case the referees can not agree, then any two of them are authorized to make the award.

Appeal to district court.

SEC. 4. That either party being dissatisfied with the findings and award of the referees shall have the right, within sixty days after the filing of the award, as hereinbefore provided, and notice of the same, to appeal by original petition to the United States district court for the central district of the Indian Territory sitting at the place nearest and most convenient to the land and property which is sought to be condemned; and said suit shall then proceed for determining the damage done to the property in the same and like manner as other civil actions in the said court. The said court shall have jurisdiction to hear and determine the subject-matter of said petition, and the same shall be heard and determined by said court in accordance with the laws now in force or hereafter enacted for the government of said court; and the measure of damages in condemning property authorized by this Act shall be that prescribed by the laws of the State of Arkansas, in so far as the same are not inconsistent with the laws now in force or hereafter enacted for the government of the United States courts in said Choctaw Nation in such cases. If the judgment of the court shall be for a larger sum than the award of the referees, the costs of the litigation shall be adjudged against the railway company, and if the judgment of the court shall be for the same as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings shall have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then shall have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad and telegraph and telephone line. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction.

Determination.

Costs on appeal.

Work to begin on paying double award.

Crossings, etc.

SEC. 5. That said railway company is authorized and hereby given the right to connect or cross with its tracks the tracks and railroad of any other company or person owning or operating a railway in the said Choctaw Nation. In case of failure to make amicable settlement with any such corporation or person for such crossing, such compensation shall be determined in the same manner as hereinbefore provided for determining the compensation for land and other property taken and damaged.

Freight charges.

SEC. 6. That said railway company shall not charge the inhabitants of said nation a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That the passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said nation within the limits of which said railway or a part thereof shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits of said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at

Provisos.
Passenger rates, etc.
Regulation, etc.

Limit.

Mails.

such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional to Choctaw Nation.

SEC. 7. That said railway company shall pay to the Secretary of the Interior, for the benefit of the Choctaw Nation, the sum of fifty dollars, in addition to the compensation provided for in this Act, for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said nation, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of the Choctaw Nation, within four months after the filing of maps of definite location, as hereinafter set forth, dissents from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to said nation under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation shall be in lieu of the compensation said nation would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Choctaw Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said nation. The money paid to the Secretary of the Interior under the provisions of this Act shall be disbursed by him in accordance with the laws and treaties now in force within said nation: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nation, to impose such additional taxes upon said railway as it may deem just and proper for the benefit of said nation, and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

Provisos.
Appeal to Secretary of the Interior.

Award to be in lieu of compensation.

Annual rental.

Taxes.

Surveys.

Maps.

SEC. 8. That said company shall cause maps showing the route of its located lines through said nation to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of the said nation; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That a map showing the entire line of the road in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of the same shall be commenced.

Proviso.
Construction.

Employees may reside on right of way.

SEC. 9. That the officers, servants, and employees of said company necessary to the construction and management of said railroad shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Construction.

SEC. 10. That said railway company shall build at least seventy-five miles of its railway in said nation within three years after the passage of this Act, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all roads and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 11. That the said Arkansas and Choctaw Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist any effort looking toward the changing or extinguishing the present tenure of the Choctaw Indians in their land, and will not attempt to secure from the Choctaw Nation any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Proviso.
Violation to forfeit.

Record of mortgages.

SEC. 12. That all mortgages, deeds of trust, and other conveyances executed by said railway company, conveying any portion of its railroad, telegraph and telephone lines, with its franchises, that may be constructed in said Choctaw Nation shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 13. That Congress may at any time amend, add to, alter, or repeal this Act.

Not assignable prior to construction.

SEC. 14. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Received by the President, February 12, 1896.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Feb. 26, 1896.

29 Stat., 16.

CHAP. 31.—An act granting leave of absence for one year to homestead settlers upon the Yankton Indian Reservation, in the State of South Dakota, and for other purposes.

Yankton Reservation, S. Dak.
Homestead settlers granted leave of absence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all settlers who made settlement under the homestead laws of upon lands in the Yankton Indian Reservation, in the State of South Dakota, during the year eighteen hundred and ninety-five are hereby granted leave of absence from such homestead for one year from and after the date of this Act, and that by such absence such homestead settler shall not lose or forfeit any right whatever: *Provided*, That the settler shall not receive credit upon the period of actual residence required by law for the time he is absent hereunder.

Proviso.
No credit for time lost.

Notice.

SEC. 2. That any such homestead settler may avail himself of the benefits of this Act by filing a notice with the local land office describing his land and date of settlement thereon, which notice shall be signed by the settler and attested by the register of the land office.

Time for final proof, etc., in South Dakota extended one year.

SEC. 3. That the time for making final proof and payment for all lands located under the homestead laws of the United States upon any lands of any former Indian reservation in the State of South Dakota, be, and the same is hereby, extended for the period of one year from the time proof and payment would become due under existing laws.

Approved, February 26, 1896.

February 26, 1896.

29 Stat., 17.

CHAP. 32.—An act to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota."

Chippewa Indians of Minnesota.
Sale of pine lands.
1889, ch. 24, ante, p. 301, and note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth section of the Act of Congress passed January fourteenth, eighteen hundred and eighty-nine, providing for the relief and civilization of the Chippewa Indians in the State of Minnesota, be, and the same is, amended so far as the same relates to the White Earth and Red Lake reservations, and as to the other reservations mentioned in said Act whenever all the allotments of land in severalty shall have been made to the Indians of each reservation, respectively, therein provided, so as to read as follows:

Sales of lands surveyed.

"SEC. 5. That whenever, and as often as the survey, examination, and appraisal of one hundred thousand acres of said pine lands, or of a less quantity, in the discretion of the Secretary of the Interior, have been made, the portion so surveyed, examined, and appraised shall be proclaimed as in market and offered for sale in the following manner: The Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall cause notices to be inserted once in each week, for four consecutive weeks, in one newspaper of general circulationn published in Minneapolis, Saint Paul, Duluth, Stillwater, Taylors Falls, Fosston, Saint Cloud, Brainerd, Crookston, and Thief River Falls, Minnesota; Chicago, Illinois; Milwaukee, Wisconsin; Detroit, Michigan; Philadelphia, Pennsylvania; and Boston, Massachusetts, of the sale of said land at public auction to the highest bidder for cash at the local land office of the district within which said lands are located, said notice to state the time and place and terms of such sale. At such sale said lands shall be offered in forty-acre parcels, except in case of fractions containing either more or less than forty acres, which shall be sold entire. In no event shall any parcel be sold for a less sum than its appraised value. The residue of such lands remaining unsold after such public offering shall thereafter be subject to private sale for cash at the appraised value of the same, upon application at the local land office: *Provided*, That sections numbered sixteen and thirty-six in each township so surveyed shall not be sold until the claim of the State of Minnesota to the ownership of said sections as part of the school lands of said State, shall have been determined."

Advertisement.

Auction sale.

Private sale.

Proviso.
School sections.

Approved, February 26, 1896.

Mar. 2, 1896.

29 Stat., 40.

CHAP. 38.—An act to grant the Fort Smith and Western Coal Railroad Company a right of way through the Indian Territory, and for other purposes.

Fort Smith and Western Coal Railroad Company granted right of way, Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Smith and Western Coal Railroad Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, vested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point to be selected by said company on the Western boundary line of the State of Arkansas, at or near the city of Fort Smith, Sebastian County, and running thence by the most practicable route through that part of the Indian Territory occupied by and known as the Choctaw Nation, in a southwesterly direction through the counties of Scullyville, Sans Bois, Gaines, and Tobucksy, to a point on the Missouri, Kansas and Texas Railway, in said Choctaw Nation, between McAlester and South Canadian, with a switch from a point on said line to form a connection with the Saint Louis and San Francisco Railway at a point on that railroad, to be located between Cedars Station and the Backbone Tunnel. And with the right to build in the line of said railroad, a bridge across the Poteau River, whose plan of construction shall be first approved by the Secretary of War.

Location.

1898, ch. 391, post p. 644.

Bridge.

Width.

SEC. 2. That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the said Fort Smith and Western Coal Railroad Company, and a strip of land one hundred feet in width with a length of two thousand feet in addition to the right of

Stations, etc.
Provisos.
Limit for stations.
Reversion, etc.

way is granted for such stations as may be established, but no such grant shall be allowed but once in every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grants where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width on each side of the right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than such additions of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be used such portion shall revert to the said Choctaw Nation.

Damages.
Referees.
Oaths, etc.
Appeal.
On depositing double award work may begin.
Expenses.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to laws, customs, or usages of the Choctaw Nation through which it may be constructed, full compensation shall be made to such occupant for all property to be taken or damage done by reason of the construction of said railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the President of the United States, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States district court for the central district of the Indian Territory, sitting at the place nearest and most convenient to the property sought to be condemned, where the case shall be tried de novo. When proceedings have been commenced in court the railway shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned, and proceed with the construction of the railway. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act. Witnesses shall receive the usual fees allowed by the courts of said Choctaw Nation. Costs, including compensation of the referees, shall be made a part of the award and be paid by said railway company.

Freight charges.
Provisos.
Passenger rates.
Regulation.
Interstate transportation.
Maximum rates.
Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That the passenger rates on said railway shall not exceed three cents a mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government shall exist in said Territory, within the limits of which said railway or part thereof shall be located, then such State government shall be authorized to fix and regulate the cost of transportation of persons and freight within their respective limits by said railway. Congress expressly reserves the right to fix and regulate at all times the cost of all transportation by said railway whenever such transportation shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed those above expressed: *And provided further*, That said railway company shall carry the mail at such price as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional pay to Choctaw Nation.

Annual rental.

Provisos.
Additional taxes.

Appeal by general council.

Award to be in lieu of additional pay.

Taxation.

Survey, etc.
Consent of allottees.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the Choctaw Nation, through whose lands said railway may be located, the sum of fifty dollars, in addition to the compensation provided for by this Act, for property taken or damaged by the construction of the railway for each mile of railway that it may construct in said Territory, said payment to be made in installments of five hundred dollars as each ten miles of road is graded. Said company shall also pay, as long as said Territory is owned and occupied by the Indians in common, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it may construct in said Territory. The money paid to the Secretary of the Interior under the provisions of this Act shall be paid over to the Choctaw Nation: *Provided*, That Congress shall have the right, so long as their lands are occupied or possessed by the citizens of the Choctaw Nation in common, to impose such additional taxes upon said railway as it may deem just and proper for their benefit: *Provided further*, That if the general council of the Choctaw Nation shall, within two months after the filing of maps of definite location, as set forth in section six of this Act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to said Choctaw Nation under the provisions provided in this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupants of the land, with the right to appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company to said Choctaw Nation shall be in lieu of the compensation the said nation will be entitled to receive under the provisions of this section. Nothing in this Act shall be construed to prohibit Congress from imposing taxes upon said railway, or any Territory or State hereafter formed through which said railway shall have been established, from exercising the same power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act: *Provided, however*, That if said right of way shall pass over or through any land allotted to an Indian in accordance with any law or treaty, it shall be the duty of the Secretary of the Interior to provide for obtaining the consent of said allottee or allottees to said right of way, and to fix the amount of compensation to be paid said allottees for the right of way and damages sustained by them by reason of the construction of the road; but no right of any kind shall vest in said railway company to any portion of said right of way passing over or through any such allotted lands until the compensation herein provided for shall be fixed and paid.

Filing maps.

Proviso.
Commencing work.

SEC. 6. That said railway company shall cause maps, showing route of its located line through said Territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of the Choctaw Nation; and after the filing of said maps no claim for subsequent settlement or improvements of right of way shown by said maps shall be valid as against said company: *Provided*, That a map when showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void as to any occupant thereof.

Employees to reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction, operation, and management of said railway and telegraph and telephone lines shall be allowed to reside, while so engaged, upon the right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with such intercourse laws.

Commencement and completion.

SEC. 8. That said railway company shall build and complete its said railway within three years after the passage of this Act, or this grant shall be forfeited; that said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Conditions of acceptance.

Provisos.
Violations to forfeit.

Approval by Secretary of Interior.

SEC. 9. That the Fort Smith and Western Coal Railroad Company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, or assist toward any effort looking to the changing of or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indians for the purposes of said railway any further grant of land, or its occupancy, than herein provided, except for the purpose of mining coal: *Provided*, That any violation of the conditions named in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act: *Provided further*, That the entire line of said road shall be surveyed and located and said location approved by the Secretary of the Interior before the work of construction shall commence.

Record of mortgages.

SEC. 10. That all mortgages executed by said railway company conveying any portion of its railway, with its franchises, that may be constructed in the Indian Territory shall be recorded in the Department of the Interior, and a record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 11. That Congress may at any time amend, add to, or alter, or repeal this Act.

Approved, March 2, 1896.

Mar. 4, 1896.
29 Stat., 44.

CHAP. 41.—An act to amend an act entitled "An act to grant to the Gainesville, McAlester and Saint Louis Railroad Company a right of way through the Indian Territory.

Indian Territory.
Right of way to Gainesville, McAlester and St. Louis Railroad Company amended.
Time extended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section nine of the Act entitled "An Act to grant to the Gainesville, McAlester and Saint Louis Railroad Company a right of way through the Indian Territory," approved March first, eighteen hundred and ninety-three, be, and the same hereby are, extended for a further period of three years.

Terminals at Fort Smith, Ark.
1893, ch. 188, ante, p. 476.

SEC. 2. That section one of said Act be so amended as to make the city of Fort Smith the terminus of said road on the western border of the State of Arkansas.

SEC. 3. That section two of said Act be amended to read as follows:

Right of way.
Width reduced, etc.

Provisos.
Limit for stations.

Reversion, etc.

"SEC. 3. That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the Gainesville, McAlester and Saint Louis Railway Company and a strip of land one hundred feet in width, with a length of two thousand feet in addition to the right of way is granted for such stations as may be established, but such grant shall be allowed but once for every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line, and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken."

Secretary of Interior to approve route, etc.

Ante, p. 478.

SEC. 4. That section six of said Act be amended by striking out all after the word "*Provided*," and inserting the following: "That a map of definite location showing the entire route of said road through the Indian Territory shall be filed and approved by the Secretary of the Interior before any part of the said road shall be constructed."

Approved, March 4, 1896.

Mar., 6, 1896.

29 Stat., 44.

CHAP. 42.—An act granting to the Columbia and Red Mountain Railway Company a right of way through the Colville Indian Reservation, in the State of Washington, and for other purposes.

Columbia and Red Mountain Railway Company granted right of way Colville Reservation, Wash.

Location, etc.

18 Stat., 482.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the Columbia and Red Mountain Railway Company, a corporation organized under the laws of the State of Washington, a right of way to the extent of one hundred feet on each side of the center line of said railway across the Colville Indian Reservation, in the State of Washington, commencing at a point at or near the Little Dalles on the Columbia River, in Stevens County, in said State, and running thence in a northerly direction by the most feasible route to the international boundary line between the United States and British Columbia, together with all the rights granted to railroads by the Act of Congress entitled "An Act granting to railroads a right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five; and for the purposes of this grant and the construction of said railway all the provisions of said Act are hereby declared to be applicable thereto to the same extent as though the lands in said reservation were open to settlement and sale.

Approved, March 6, 1896.

Mar. 18, 1896.

29 Stat., 69.

CHAP. 60.—An act to authorize the Saint Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.

Saint Louis and Oklahoma City Railroad Company granted right of way, Indian and Oklahoma Territories.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Saint Louis and Oklahoma City Railroad Company, a corporation created under and by virtue of the laws of Oklahoma Territory, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company at or near Sapulpa, in the Indian Territory, and running through the said Territory and the Territory of Oklahoma by way of Chandler and Oklahoma City to a point on Red River at or near the west line of the Kiowa and Comanche Reservation, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to their interest to construct.

Width.

Stations.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Indian Territory and Territory of Oklahoma, and to take and use a strip of land one hundred feet in width, with a length of two thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty

Proviso.
Limit for stations.
Reversion for nonuser.

feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages to individuals.
Appraisement.
Referees.
Substitution on failure to appoint.
Hearings.
Compensation, etc.
Costs.
Appeal.
Costs on appeal.
Work to begin on paying double award.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, or, in case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of any United States court in the Indian Territory, or the Territory of Oklahoma, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act, with mileage at five cents per mile actually traveled. Witnesses shall receive the usual fees allowed by the courts of said nations and the courts of Oklahoma Territory. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making the award and notice of the same, to appeal by original petition to any district court in the Indian Territory, or Oklahoma Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the cost shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway.

Freight charges.

Provisos.
Passenger rates.

Regulations.

Maximum rates.

Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territories a greater rate of freight than the rate authorized by the laws of the State of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territories within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate, at all times, the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Payment to tribes.

Provisos.
Appeal by general councils.

Award in lieu of compensation.

Annual rental.

Apportionment.

Taxation.

Survey, etc.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes or individuals through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this Act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territories, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this Act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided; *Provided further*, That the amount awarded or adjudged to be paid by the said railway company for dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territories are owned and occupied by the Indians, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territories. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Maps to be filed.

SEC. 6. That said company shall cause maps, showing the route of its located lines through said Territories, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chiefs of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That a map showing the entire line of the road in the Indian Territory shall be filed and approved before the work of construction shall commence.

Proviso.
Approval.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said railway shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Commencement and completion.

Fences, etc.

SEC. 8. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this Act, and complete the remainder thereof within three years thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railway construct and maintain continually all fences, road, and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

Proviso.
Violation to forfeit.

SEC. 9. That the said Saint Louis and Oklahoma City Railroad Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian Nation any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Record of mortgages.

SEC. 10. That all mortgages executed by said railway company, conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory and Oklahoma Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

Assignment forbidden.

SEC. 11. That Congress may at any time amend, add to, or alter this Act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the railway except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Received by the President, March 6, 1896.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Mch. 28, 1896.

29 Stat., 77.

CHAP. 76.—An act to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes.

Kansas City, Fort Scott and Memphis Railroad Company granted right of way, Indian Territory.

Location.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas City, Fort Scott and Memphis Railroad Company be, and the same is hereby, authorized and empowered to construct, maintain, and operate a railroad and telegraph line from a point on the south line of the State of Kansas near the city of Baxter Springs to the town of Miami, in the Indian Territory: *Provided*, That such right of way shall be fifty

Width.
Stations.

feet in width on each side of the central line of the road. Said company shall also have the right to take and use for station purposes a strip of land one hundred feet in width by a length of two thousand feet in addition to right of way to an extent not to exceed one station for each ten miles of road constructed within the limits of said reservations: *Provided further*, That work shall be commenced on such construction within a reasonable time from the approval of this Act and completed so as to have trains running to the town of Miami within twelve months from said date.

Commencement and completion.

Consent of Indians.

SEC. 2. That before said company shall enter the territory of any nation or tribe of Indians for the purpose of constructing its line of railroad and telegraph it shall have the written consent of the general council of such tribe thereto, which shall be filed with the Secretary of the Interior.

Purchase from allottees.

SEC. 3. That said company shall have authority to acquire a right of way for its line of railroad and telegraph from individual allottees upon such terms and conditions as may be agreed upon between the parties, and in cases where the line of said railroad runs through the lands of minor allottees the judge of the United States court for the district wherein said lands are situated shall have power to regulate the manner, terms, and conditions whereby such right of way shall be acquired.

Condemnation.

SEC. 4. That in cases where a right of way can not be acquired from adult allottees by agreement between the parties, the same may be acquired by proceedings in condemnation in the United States court for the proper district, or before the judge thereof in vacation, according to the provisions of chapter fifty-eight of Sanders and Hill's Digest of the Laws of Arkansas, eighteen hundred and ninety-four, respecting "eminent domain," so far as the same can be made applicable: *Provided*, That in addition to the compensation herein provided for, said railroad company shall pay to the Secretary of the Interior, for the benefit of the tribes through whose lands the said railroad may be constructed, the sum of fifty dollars per mile for each mile of road constructed through tribal lands which have not been allotted to individual Indians. Said company shall also pay, so long as said lands are owned and occupied as tribal property, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct through the said Territory. And the money paid the Secretary of the Interior under the provisions of this Act shall be apportioned by him among the several tribes in accordance with the number of miles of road that may be constructed through each reservation: *Provided further*, That Congress shall have the right, so long as said lands remain as tribal property, to impose such additional taxes upon said railroads as may be deemed just and proper for their benefit, and the like power may be exercised by any State or Territory which may hereafter be formed.

Provisos.
Payment to tribes.

Annual rental.

Apportionment.

Taxation.

Approved, March 28, 1896.

Mar. 30, 1896.

29 Stat., 80.

CHAP. 82.—An act authorizing the Saint Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes.

St. Louis, Oklahoma and Southern Railway Company granted right of way, Indian and Oklahoma Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Saint Louis, Oklahoma and Southern Railway Company, a corporation created under and by virtue of the laws of the Territory of Oklahoma, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping and operating, using and

Location, Indian Territory.

maintaining a railway and telegraph and telephone line through the Indian and Oklahoma Territories, beginning at a point to be selected by said railway company at and between Claremore and Sapulpa, on the Saint Louis and San Francisco Railroad, in the Cherokee and Creek Nations, Indian Territory, and running thence in a westerly and southerly direction, over the most practicable and feasible route, through or near the Cherokee, Creek, Seminole, and Chickasaw Nations, Indian Territory, to a point at or near Stonewall, to a point on the Red River at or near Willis, Indian Territory, and from thence through the State of Texas to a point at or near Aransas Pass, State of Texas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for, with the right also of locating, constructing, owning, equipping and operating, using and maintaining a branch line of railway from a point on the main line to be selected by said company over the most practicable and feasible route between Okmulkee and Sasakwa and running southwesterly through the Indian Territory and Oklahoma Territory, to a point at or near Purcell, Chickasaw Nation, Indian Territory, or to intersect the Atchison, Topeka and Santa Fe Railroad at some point between Norman and Ardmore; thence southwesterly to the northerly side of Wilbarger County, State of Texas, and from thence to the east line of the Territory of New Mexico, and thence through New Mexico to a point at or near El Paso, State of Texas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for.

Indian and Oklahoma Territories.

Width.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, for its main line and branch line, and for no other purpose, a right of way one hundred feet in width through said Indian territories and Territory of Oklahoma, and to take and use a strip of land one hundred feet in width, with a length of two thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Stations, etc.

Provisos.
Limit for stations.
Reversion for nonuser.

Payments to individuals.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, or, in case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that

Appraisement.

Referees.

they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of any United States court in the Indian Territory, or the Territory of Oklahoma, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations and the courts of Oklahoma Territory. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making the award and notice of the same, to appeal by original petition to any district court in the Indian Territory, or Oklahoma Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the cost shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the cost shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway.

Substitution on failure to appoint.

Hearings.

Compensation, etc.

Costs.

Appeal.

Costs on appeal.

Work to begin on paying double award.

Freight charges.

Provisos.
Passenger rates.
Regulations.

Maximum rates.

Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territories a greater rate of freight than the rate authorized by the laws of the State of Kansas for service or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and of messages on said telegraph and telephones lines, until a State government or governments shall exist in said Territories within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate, at all times, the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Payment to tribes, etc.

SEC. 5. That said railway company shall pay to the Secretary of the Interior for the benefit of the particular nations or tribes or individuals through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this Act, for property taken and damages done to individual occupants by the construction of the

Provisos.
Appeal by general councils.
Amount in lieu of compensation.
Annual rental.
Apportionment.
Taxation.
Survey, etc.
Map.

railway for each mile of railway that it may construct in said Territories, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this Act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this Act shall be determined as provided in section three for the determination of the compensatien to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by the said railway company for dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions. Said company shall also pay, so long as said Territories are owned and occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territories. The money paid to the Secretary of the Interior under the provisions of this Act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act: *Provided further*, That a map showing the entire line of the road in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the work of construction shall commence.

Maps to be filed.
Post, p. 677.
Proviso.
Grading.
Approved.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territories to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chiefs of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said railway shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Commencement and completion.
Fences, etc.

SEC. 8. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this Act, and complete the remainder thereof within five years thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 9. That the said Saint Louis, Oklahoma and Southern Railway Company shall accept the right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations or tribes any further grant of land or its occupancy than is hereinbefore provided for: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Proviso.
Violation to forfeit.

Record of mortgages.

SEC. 10. That all mortgages executed by said railway company, conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory and Oklahoma Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution and shall convey all rights and property of said company as therein expressed.

Amendment, etc.
Assignment forbidden.

SEC. 11. That Congress may at any time amend, add to, or alter this Act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the railway except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Received by the President, March 18, 1896.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Mar. 31, 1896.
29 Stat., 84.

CHAP. 85.—An act providing for disposal of lands lying within the Fort Klamath Hay Reservation, not included in the Klamath Indian Reservation, in Oregon.

Fort Klamath Hay Reservation, Oreg.
Opened to homestead entry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands lying within the boundaries of the Fort Klamath Hay Reservation, not included in the Klamath Indian Reservation, in the State of Oregon, shall be open to the operation of the laws regulating homestead entry: *Provided*, That the disposal of said lands shall be made in tracts not exceeding eighty acres to any one bona fide settler thereon.

Proviso.
Limit to settlers.
Ante, p. 439.

Approved, March 31, 1896.

Apr. 6, 1896.
29 Stat., 87.

CHAP. 93.—An act authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Arkansas Northwestern Railway Company granted right of way, Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arkansas Northwestern Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping, and operating, using, and maintaining a railway and telegraph and telephone lines through the Indian Territory upon a line beginning at a point to be selected by said railway company at or near the town of Southwest City, in the county of McDonald, State of Missouri, and running thence in a northwest direction over the most practicable route through the Indian Territory, to a point between

Location.

Chetopa and Baxter Springs, in the State of Kansas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions through such Territory as said company may deem to their interests to construct along and upon the right of way and depot grounds herein provided for.

Width.

SEC. 2. That the said corporation is authorized to take and use, for all purposes of a railway and for no other purpose, a right of way one hundred feet in width through said Territory, and to take and use a strip of land one hundred feet in width, with a length of two thousand feet, in addition to right of way, for stations for every ten miles of road, with right to use such additional grounds where there are heavy cuts or fills, not exceeding fifty feet in width, as may be necessary for the construction and maintenance of said right of way, or as much thereof as may be included in said cuts or fills: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of said lands herein authorized to be taken shall be leased or sold by the company; and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said road and telegraph and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians or individual Indians from which the same shall have been taken.

Stations, etc.

Provisos.
Limit for stations.
Reversion for nonuser.

Payment to individuals.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants, according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, or by allotment under any laws of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damages done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant such compensation shall be determined by the appraisement of three disinterested persons or referees, to be appointed, one, who shall act as chairman, by the President, one by the chief of the nation to which said occupant belongs, or in case of an allottee, by said allottee or by his duly authorized guardian or legal representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of the district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member after due notice; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Arkansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which the occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each and every day they are engaged in the trial of any case submitted to them under this Act, with mileage of five cents per mile. Witnesses shall be allowed the usual fees allowed by the courts of said nation. The costs, including the compensation of the referees, shall be made a part of the award, and to be paid by said railway company. In case the referees can not agree, then two of them are authorized to make the award. Either party being dissatisfied with the findings of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court for the northern division of the Indian Territory exercising jurisdiction over the territory in which the lands sought to be condemned are situate,

Appraisement.
Referees.

Substitution on failure to appoint.

Hearings.

Compensation, etc.

Costs.

Appeals.

Costs on appeal.

Work may begin on paying double award.

which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Arkansas providing for the determining of damages when property is taken for railway purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the awards of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the cost shall be adjudged against the party claiming damages. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway.

Freight charges.

Provisos.
Passenger rates.
Regulations.

Maximum.

Mails.

SEC. 4. That the said company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That the passenger rate shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and of messages on said telegraph and telephone lines until State governments are formed and shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located, and then such State government shall be authorized to fix and regulate the cost of transportation of persons and freight within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate expressed: *Provided further*, That said railway company shall carry the mails at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Compensation to tribes.

Provisos.
Appeal by general councils.

Award in lieu of compensation.

Annual rental.

Apportionment.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to the compensation provided for in this Act, for property taken and damage done to individual occupants by the construction of the railway for each mile of railway constructed in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is located and graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite locations, as set forth in section six of this Act, dissent from the allowances provided for in this section, and certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nations or tribes under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under foregoing provisions, except as to annual tax. Said company shall also pay, so long as said reservations are owned and occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said reservations. The money paid to the Secretary of the Interior under the provisions of this Act shall be apportioned by

Taxation.

Survey.

him, in accordance with the laws and treaties now in force, among the different nations or tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided further*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railroads as it may deem just and proper for their benefit. And any Territory or State hereinafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may be within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

Maps to be filed.

Proviso.
Approval by Secretary of the Interior.

SEC. 6. That said railway company shall cause maps showing the route of its located line through said reservations to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claims for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That a map showing the entire line of the said railway in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of said railway in the Indian Territory shall be begun.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Commencement and completion.
Amended, post, p. 687.

Fences, etc.

SEC. 8. That said railway company shall build at least one hundred miles of its railway within three years after the passage of this Act or the rights herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads or highways do now or may hereafter cross said railway's right of way, or may be, by the proper authorities, laid out across the same.

Condition of acceptance.

Proviso.
Violation to forfeit.

SEC. 9. That the Arkansas Northwestern Railway Company shall accept this grant of the right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations or tribes any further grant of land or its occupancy than is herein provided for: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railway company under this Act.

Record of mortgages.

SEC. 10. That all mortgages executed by said railway company conveying any portion of its railway, with its franchises, that may be constructed in said reservation shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment, etc.

SEC. 11. That Congress may at any time alter, amend, or repeal this Act.

Received by the President, March 25, 1896.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Apr. 14, 1896.
29 Stat., 92.

Chap. 100.—An act granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota.

Duluth and North Dakota Railroad Company granted right of way. Winnibagoshish, Chippewa, White Oak Point, and Red Lake reservations, Minn.

See note to 1889, ch. 24, ante, p. 302.

Width.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Duluth and North Dakota Railroad Company, a corporation organized and existing under the laws of the State of North Dakota, and its successors and assigns, the right of way for the extension of its railroad through the Winnibagoshish, Chippewa, White Oak Point, and Red Lake Indian reservations, in the State of Minnesota, such right of way to be fifty feet in width on each side of the center line of said railroad, and said company may also take land adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, to the extent of one station for every ten miles of road constructed within the limits of said reservations.

Stations, etc.

Payment to individuals.

Sec. 2. That before said railroad shall be constructed through any land, claim, or improvement held by an individual occupant according to any agreement, treaty, or law of the United States, full compensation shall be paid such occupant or claimant for all property taken and damage done by reason of the construction of said railroad. And it shall be the duty of the Secretary of the Interior to fix, in such manner as he shall designate, the amount of compensation to be paid individual occupants and claimants; and the amount of damage resulting to the tribe or tribes of Indians, in their tribal capacity, pertaining to said reservations, by reason of the construction of the road through such lands of the reservations as are not occupied in severalty, shall also be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval. But no right of any kind shall vest in said railroad company in or to any part of the right of way and station grounds herein provided for until plats thereof made upon actual survey for the definite location of the road, including the grounds for station houses, machine shops, side tracks, turn-outs and water stations, shall have been filed with and approved by the Secretary of the Interior, and until the compensation aforesaid shall be fixed and paid. And said railroad company is hereby authorized, immediately after the passage of this Act, to enter upon said reservations for the purpose of surveying and locating its line of road: *Provided*, That said line of railroad shall be located, constructed, and operated with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Compensation to tribes.

Secretary of the Interior to approve plats, etc.

Surveys.

Proviso.
Regulations, etc.

Completion.

Sec. 3. That the rights herein granted shall be forfeited by said company unless said road is constructed through said reservations within three years from the passage and approval of this Act.

Consent of Red Lake Indians.

Sec. 4. That the provisions of this Act shall not apply to the Red Lake Reservation until the consent of the Red Lake Indians shall be obtained thereto in such manner as the Secretary of the Interior may direct.

Amendment.

Sec. 5. That Congress may at any time amend, add to, alter, or repeal this Act.

Received by the President, April 2, 1896.

[Note by the Department of State.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Apr. 14, 1896.

29 Stat., 93.

CHAP. 101.—An act to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory.

Indian Territory. Time extended for right of way to Interoceanic Railway. Ante, p. 500.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section nine of the Act entitled "An Act to grant to the Interoceanic Railway Company a right of way through Indian Territory," approved March third, eighteen hundred and ninety-three, be, and the same hereby are, extended for a further period of three years.

Terminus changed. Ante, p 501.

SEC. 2. That section one of said Act be so amended as to make the city of Fort Smith the terminus of said road on the western border of the State of Arkansas.

Width.

SEC. 3. That section two of said Act be amended to read as follows:

Stations, etc.

"SEC. 2. That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the Interoceanic Railway Company, and a strip of land one hundred feet in width, with a length of two thousand feet, in addition to the right of way is granted for such stations as may be established, but such grant shall be allowed but once for every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines, and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken."

Provisos. Limit of stations. Reversion for nonuser.

Approval of map, etc. Ante, p. 508

SEC. 4. That section six of said Act be amended by striking out all after the word "Provided" and inserting the following: "That a map of defined location, showing the entire route of said road through the Indian Territory, shall be filed and approved by the Secretary of the Interior before any part of the said road shall be constructed."

Received by the President, April 2, 1896.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Apr. 18, 1896.

29 Stat., 95.

CHAP. 108.—An act granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska.

Atchison and Nebraska Railroad Company and lessee granted right of way, Sac and Fox and Iowa Indian Reservation, Kans. and Nebr.

See note to 1885, ch. 337, ante, p. 228.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Atchison and Nebraska Railroad Company, a corporation organized and existing under the laws of the State of Kansas, and to the Chicago, Burlington and Quincy Railroad Company, a corporation organized and existing under the laws of the State of Illinois, as lessee in perpetuity of the railroad lines and property of said Atchison and Nebraska Railroad Company, the right of way for the railroad of said Atchison and Nebraska Railroad Company as so leased, one hundred feet in width, fifty feet on each side of the center of the track, as existing and located on and since the seventh day of April, anno Domini eighteen hundred and ninety-five, through the Sac and Fox and Iowa

Indian Reservation in the States of Kansas and Nebraska and over the allotments in severalty of certain Indians thereon, commencing upon the allotment of Sidney Perry at the southeast corner of said reservation and extending northwestwardly to a point one thousand two hundred and seventy-four feet west of the east line of the allotment of Stephen Story in the southeast quarter of the northeast quarter of section twenty-six, township one north, of range eighteen east, in Richardson County, Nebraska: *Provided*, That this grant is upon condition that the grantees hereof shall, within ninety days after the approval of this Act, pay to said allottees, or their heirs, or to a parent or guardian of any minor allottee or heir, or to the Indian agent at the Pottawatomie and Great Nemaha Agency for their use, at the rate of twenty-five dollars per acre for the land hereby granted; and the receipts of any such persons, acknowledged in the manner provided for the acknowledgment on instruments conveying real estate in the State where said land is located, filed with the officer keeping the public record of land titles in the county in which said land is located, shall be evidence of such payment: *Provided further*, That said company shall first file with and secure the approval of the Secretary of the Interior to the map of definite location of the road as the same was located on the seventh day of April, eighteen hundred and ninety-five.

Location.

Provisos.
Payment.

Secretary of Interior to approve location.

SEC. 2. That at any time hereafter whenever it shall be made to appear to the Secretary of the Interior that the encroachments of the Missouri or Great Nemaha rivers shall make it necessary for the grantees named in this Act, their successors or assigns, to acquire other right of way through any part of such reservation, the allottees in severalty of allotments thereon, or their heirs, are hereby authorized individually to grant and convey right of way to the said railroad companies over their respective allotments in the ordinary manner provided for the acquisition of title to real estate in the above-named States, respectively; or the said grantees may proceed against such allottees, or their heirs, as the owners of the several allotments, to condemn such right of way in the manner prescribed by the laws of such respective States as then existing: *Provided*, That said company shall first file a map of definite location of the location of the relocated line as provided in section one of this Act.

Change of location.

Proviso.
Maps to be filed.

Received by the President, April 7, 1896.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Apr. 24, 1896.

29 Stat., 98.

CHAP. 122. An act to amend an act approved August twenty-fourth, eighteen hundred and ninety-four, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company."

Preamble.

Whereas, pursuant to the authority conferred in and by the Act of which this is amendatory, a corporation was fully organized by the name and style of the Choctaw, Oklahoma and Gulf Railroad Company by the purchasers of the property and franchises formerly of the Choctaw Coal and Railway Company, and it is desirable that the powers of said corporation should be defined as hereinafter provided: Therefore,

Choctaw, Oklahoma and Gulf Railroad Company.
Right of way, Indian Territory.
1894, ch. 330, ante, p. 547.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the power to construct and operate branches, including those mentioned in section two of this Act, conferred in and by section four of the Act approved August

Approval of location.

twenty-fourth, eighteen hundred and ninety-four, entitled "An Act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company," shall be exercisable in the Indian Territory only after maps showing the location of such branches shall have been filed with and approved by the Secretary of the Interior.

Construction of branches.
1894, ch. 180, ante, p. 547.

SEC. 2. That the powers conferred by said section four shall extend to branches intended to aid the development of any coal or timber territory contiguous or tributary to the lines of railroad of the said Choctaw, Oklahoma and Gulf Railroad Company, whether owned or controlled by said company or by others, said branches not to exceed in length five miles, and to the construction and operation of a branch from any point on its existing line of railroad to the northern line of the State of Texas, and for this purpose the said company shall have the like rights, powers, and franchises, as to the acquisition of a right of way and depot grounds, and as to the construction and operation of the said branch, and shall be subject to the like conditions and restrictions as it possesses or is subject to under or by virtue of the provisions of the said Act of August twenty-fourth, eighteen hundred and ninety-four, as to the line of railroad acquired or constructed thereunder.

Time requirements complied with.

SEC. 3. That the line of railroad which has been heretofore constructed shall be regarded and treated as a full compliance by said company with the requirements of the Act applicable to it, by which it was required, as a condition of further construction thereafter, to complete its main line prior to February eighteenth, eighteen hundred and ninety-six, and said company may exercise from time to time the rights, powers, and franchises heretofore or by this Act conferred as to further extensions of or branches from its existing existing line.

Approved, April 24, 1896.

May 21, 1896.
29 Stat., 128.

CHAP. 213.—An act to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

Indian Territory.
Right of way, Denison and Northern Railway.
Time extended.
1892, ch. 329, ante, p. 451.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section eight of the Act entitled "An Act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July thirtieth, eighteen hundred and ninety-two, be, and the same hereby are, extended for a further period of two years from the passage of this Act.

Width.

SEC. 2. That section two of said Act be amended to read as follows:

"SEC. 2. That a right of way of one hundred feet in width through said Indian Territory is hereby granted to the Denison and Northern Railway Company and a strip of land one hundred feet in width, with a length of two thousand feet in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line, and when any portion thereof shall

Additional for stations, etc.

Provisos.
Limit.
Lands not to be sold, etc.

cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken."

Approval of location.

SEC. 3. That section six of said Act be amended by striking out all after the word "Provided," and inserting the following: "That a map of definite location showing the entire route of said road through the Indian Territory shall be filed and approved by the Secretary of the Interior before any part of the said road shall be constructed."

Approved, May 21, 1896.

June 10, 1896.

29 Stat., 321.

CHAP. 398.—An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department in full compensation for all offices the salaries for which are specially provided for herein for the service of the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and fulfilling treaty stipulations for the various Indian tribes, namely:

* * * * * * *

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

[29 Stat., 325.]
Chippewa of Minnesota.
Advance interest.

1889, ch. 24, ante, p. 301, and note.

One commissioner to act instead of three.

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the Secretary of the Interior, in the manner required by said Act, reimbursable, ninety thousand dollars. And the duties, imposed upon the three commissioners, appointed under the provisions of the Act of January fourteenth, eighteen hundred and eighty-nine, shall, from and after the passage of this Act, be performed by one commissioner to be designated by the Secretary of the Interior.

* * * * * * *

KICKAPOO IN OKLAHOMA.

* * * The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians annually interest at the rate of five per centum per annum from July first, eighteen hundred and ninety-five.

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QUAPAWS.

* * * * * * *

[29 Stat., 330.]
Record of real estate to be at Miami, Ind. T.

See note to 1873, ch. 309, ante, p. 186.

That all deeds and instruments of writing pertaining to real estate within the Quapaw Agency and the town of Miami, in the Indian Territory, shall be recorded at the said town of Miami by the clerk of the United States court in and for the northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose, and sections six hundred and sixty-nine, six hundred and seventy, and six hundred and seventy-one of chapter twenty-seven of Mansfield's Digest of the Laws of Arkansas covering deeds, mortgages, liens, and instruments of writing pertaining to real estate, are hereby extended over and put in force in said Quapaw Agency, Indian Territory. * * *

SACS AND FOXES OF THE MISSISSIPPI.

* * * * * * *

[29 Stat., 331.]
Transfer of funds to Sauk and Foxes, Iowa.
Ante, p. 228.
Attorney.

The Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department, from the fund of fifty-five thousand and fifty-eight dollars and twenty-one cents, now held for the Sac and Fox tribe of Indians of the Mississippi, the sum of forty-two thousand eight hundred and ninety-three dollars and twenty-five cents to the credit of that portion of said tribe of Indians now residing in the State of Iowa; and the Secretary of the Interior is hereby authorized and directed to pay to the attorneys employed by said Sac and Fox Indians residing in the State of Iowa, under contract approved by him for legal services rendered said Indians in the prosecution of their claim to said fund, from said sum hereby authorized and directed to be transferred, as soon as said transfer shall be made, the sum of four thousand two hundred and eighty-nine dollars and thirty-two cents, or so much thereof as shall be necessary.

Jurisdiction over Indians, Tama County, Iowa.
Transfer of trust.

That the United States hereby accepts and assumes jurisdiction over the Sac and Fox Indians of Tama County, in the State of Iowa, and of their lands in said State, as tendered to the United States by the act of the legislature of said State passed on the sixteenth day of January, eighteen hundred and ninety-six, subject to the limitations therein contained; and the United States Indian agent of the Sac and Fox Agency, Iowa, and the governor of the State of Iowa, respectively, are hereby authorized to transfer by deed of conveyance, for the use and benefit of said Indians, the legal title held by them in trust, respectively, and the trusteeship of the lands of the Sac and Fox Indians of Tama County, Iowa, to the Secretary of the Interior and his successors in office.

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SIOUX OF DIFFERENT TRIBES INCLUDING SANTEE SIOUX OF NEBRASKA.

* * * * * * *

[29 Stat., 334.]
Schools.
Vol. 2, p. 998.
Ante, p. 328.
Proviso.
Allowance to Santees and Flandreaus receiving money in lieu of allotments.
Ante, p. 330.

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance with article seven of the treaty of April twenty-ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the Act of March second, eighteen hundred and eighty-nine, twenty-five thousand dollars; in all, one million three hundred and forty-eight thousand five hundred dollars: *Provided*, That the provisions of section seventeen of the Act entitled "An Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March second, eighteen hundred and eighty-nine, shall be construed to extend and apply to each head of a family or single person over the age of eighteen years of the Flandreau band of Sioux Indians and of the Santee Sioux in Nebraska, who was entitled under section seven of said Act to take an allotment or not, at his or her option, and who accepted one dollar per acre in lieu of such allotment, and each head of a family or single person over the age of eighteen years shall be entitled to all the rights and benefits of said section seventeen, except that of taking an allotment, in the same manner as though he or she had taken an allotment thereunder.

Payment to Sioux and Poncas in lieu of personal property.
Ante, p. 333.

The Secretary of the Interior is hereby authorized and directed to ascertain the number of Sioux and Ponca Indians in South Dakota and Nebraska who would not be benefited by the fulfillment of the proviso of section seventeen of an Act entitled "An Act to divide a portion of the reservation of the Great Sioux Nation of Indians in Dakota into separate reservations and secure the relinquishment of the Indian title

1889, c. 129, and note, post, p. 676.

to the remainder, and for other purposes," approved March second, eighteen hundred and eighty-nine, by the receipt from the United States of the articles of personal property therein mentioned and who desire to have the same converted into money, and in lieu of such articles of personal property, or any part thereof he may think proper, the Secretary of the Interior shall convert or commute the same, or so much thereof as he may think proper, into money, and pay the amount thereof to such Indians; and the payment under the provisions of this Act shall be held to be a liquidation of the obligation of the United States to said Indians under that portion of said section seventeen, so far as the articles of personal property therein named are concerned.

Allotment to Lower Brulés of Rosebud Reservation.

That the Lower Brulé Indians who were living on the Rosebud Reservation, in South Dakota, south of White River, prior to the third day of July, eighteen hundred and ninety, are hereby allowed to return and select the allotments of land occupied by them prior to July third, eighteen hundred and ninety; and said lands shall be surveyed and patented to said Indians under the provisions of the Acts of Congress in relation to the allotment of lands in severalty to Indians.

Selection.

Payment to Rosebud Indians from Lower Brulé funds.

That such of the Lower Brulé Indians as desire to do so may take allotments of land on the Rosebud Indian Reservation, south of White River, in South Dakota, the same as they might have done prior to March , eighteen hundred and eighty-nine; and the Secretary of the Interior is hereby directed to pay to the Rosebud Indians the sum of one dollar per acre for all lands so taken and allotted, and the money to make such payment is hereby appropriated out of any money in the Treasury not otherwise appropriated, and charged against any funds belonging to said Lower Brulé Indians now in the Treasury of the United States.

* * * * * * *

[29 Stat., 336.]

Southern Utes, Colorado.

Issue of rations.

Ante, p. 556.

See note to 1874, ch. 136, ante, p. 151.

SOUTHERN UTES IN COLORADO.

To carry out the provisions of the Act of February twentieth, eighteen hundred and ninety-five, the Secretary of the Interior shall cause rations and supplies to be issued each month at Ignacio, La Plata County, Colorado, and at Arboles, Archuleta County, Colorado, to all Southern Ute Indians to whom lands have been allotted and who are residing on their allotments. And the Secretary of the Interior shall establish an agency on the Southern Ute Indian Reservation, at Navajo Springs, in the county of Montezuma, Colorado, and shall cause rations and supplies to be issued each month or oftener at that point to all Southern Ute Indians who have not elected to take land in severalty, under the provisions of the Act entitled "An Act to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them in severalty when they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west forty miles of the present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June fifteenth, eighteen hundred and eighty," approved February twentieth, eighteen hundred and ninety-five.

Agency at Navajo Springs, Colo.

* * * * * * *

[29 Stat., 341.]

Puyallup Indian Commission.

Completing work.

Ante, p. 457.

For completing the work of the Puyallup Indian Commission appointed under the Act of March third, eighteen hundred and ninety-three, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Washington, as are not required for homes for the Indian allottees; and also that part of the agency tract exclusive of the burying ground not needed for school purposes, and for the purpose of defraying the expenses of said commission, four thousand dollars to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands, as provided in said Act, to be immediately available, and said commission shall

[29 Stat., 342.]
Columbia Irrigation Company.
Right of way extended.
Ante, p. 516.

conclude its work and terminate on or before the first day of December, eighteen hundred and ninety-six.

* * * * * * *

That the time for the completion of the canal, or any part thereof, authorized by an Act entitled "An act granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation, in Washington," be, and is hereby, extended two years from July twenty-fourth, eighteen hundred and ninety-six.

* * * * * * *

[29 Stat., 342.]
Wyandot Reservation, Ind Ter.
Sales by allottees.

Proviso.
Limit.

That the adult allottees of sections twenty-one and twenty-eight, in township twenty-seven north, of range twenty-four east, in the Wyandotte Reservation, Indian Territory, may sell and convey the land allotted to them in said sections: *Provided*, That the land so conveyed shall not exceed one-half of the land owned by each of them within the limits of the Quapaw Agency, subject to the approval of the Secretary of the Interior.

* * * * * * *

[29 Stat., 344.]
Miami Town Company.
Sale of lands to, permitted.

Proviso.
Limit

That any adult Peoria or Ottawa Indian, an allottee under any Act of Congress, may, with the approval of the Secretary of the Interior, sell and convey to the Miami Town Company, a company chartered under the laws of Kansas, forty acres of ground near Miami, Indian Territory, to be used exclusively for cemetery purposes and no other: *Provided*, That forty acres shall not exceed half of his or her allotment.

* * * * * * *

Old Settler Cherokee
Payment for legal services to be withheld.

That the Secretary of the Interior be, and he is hereby, directed to withhold any further distribution and payment out of the money derived from thirty-five per centum of the judgment in favor of the Old Settler or Western Cherokee Indians against the United States, in the sum of eight hundred thousand three hundred and eighty-six dollars and thirty-one cents, set apart for the payment of expenses and for legal services justly and equitably payable on account of the prosecution of said claim, until otherwise authorized by law.

Absentee Wyandot.

To be located in Choctaw and Chickasaw Nations.
Vol. 2, p. 927.
See note to 1898, ch. 517, post, p. 656.

Payments.

The Secretary of the Interior is hereby authorized and directed to locate and establish certain Kansas Indians known as the Absentee Wyandotte Indians in the Choctaw and Chickasaw Nations, in accordance with the provisions of articles thirty, thirty-one and thirty-seven of the treaty made between the Government of the United States and the Choctaw and Chickasaw Nations April twenty-eighth, anno Domini eighteen hundred and sixty-six, and the sum of fifteen thousand six hundred and eighty-six dollars and eighty cents, appropriated by Act of August fifteenth, eighteen hundred and ninety-four, made for the purpose of buying homes for the said Absentee Wyandotte Indians, and the additional sum of six thousand dollars, appropriated by Act of March second, eighteen hundred and ninety-five, shall constitute a fund to be used by the Secretary of the Interior for the payment to the Choctaw and Chickasaw Nations, according to the provisions of article thirty-seven of the treaty of eighteen hundred and sixty-six herein referred to not less than eighty acres per capita for the said Absentee Wyandotte Indians, which said fund shall be paid to the national treasurers of the Choctaw and Chickasaw Nations in the proportions of three-fourths to the former and one-fourth to the latter, the tender of the same being equivalent to the payment thereof. And the Secretary of the Interior is hereby authorized and directed to carry out and enforce the said articles thirty, thirty-one and thirty-seven of the treaty of eighteen hundred and sixty-six in such manner as may be necessary and sufficient for the purposes of this Act.

* * * * * * *

AGREEMENT WITH THE INDIANS OF THE FORT BELKNAP INDIAN RESERVATION IN MONTANA.

[29 Stat., 350.]

Agreement with Fort Belknap Indians.

SEC. 8. Whereas William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, did on the ninth day of October, anno Domini eighteen hundred and ninety-five, conclude an agreement with the Indians of the Fort Belknap Reservation in the State of Montana, which said agreement is in words and figures as follows (Senate Document Numbered One hundred and seventeen, Fifty-fourth Congress, first session), to wit:

Commissioners.

Agreement concluded October ninth, eighteen hundred and ninety-five, with the Indians of the Fort Belknap Reservation in Montana, by William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners.

This agreement, made and entered into this ninth day of October, anno Domini eighteen hundred and ninety-five, by and between William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, and the undersigned Indians, residing upon and attached to the Fort Belknap Indian Reservation in the State of Montana, the same constituting a majority of the male adult Indians belonging upon said reservation, witnesseth that,

ARTICLE I.

Lands relinquished.

For and in consideration of the sum to be paid and the obligations assumed on the part of the United States, as hereinafter set forth, said Indians of the Fort Belknap Reservation hereby convey, relinquish, and release to the United States all their right, title, and interest in and to that portion of their present reservation, in the State of Montana, lying and being within the following described lines, to wit: Beginning at the 54-mile boundary monument, at a point about the middle of the crest of Mission Butte, and following a straight line, bearing (magnetic) north 17 degrees 30 minutes west, to the highest point on a limestone ridge on the south side of the north fork of People's Creek, and running at right angles to the course of said creek at this point; thence in a straight line, bearing (magnetic) north 2 degrees 45 minutes west, to a rounded, timbered knob on the crest of the limestone reef on the north side of the north fork of People's Creek, and parallel with its general course; thence easterly, following the crest of the last-mentioned limestone reef north of the north fork of People's Creek, to a low rounded hill on said limestone reef, where it dips down to the valley of Lodge Pole, or Red Mountain Creek; thence in a straight line, north 74 degrees east (magnetic) to the wooded limestone ridge known as Travois Butte, where a line drawn from the summit of Granite Butte (the peak south of the 61½ mile boundary monument) north 15 degrees east (magnetic) would intersect it; thence along said straight line to the southern boundary line of the present reservation; thence along said southern boundary line of the present reservation to the point of beginning.

ARTICLE II.

Consideration.

[29 Stat., 351.]

Ante, p. 251.

For and in consideration of the conveyance, cession, and relinquishment hereinbefore made, the United States hereby covenants and agrees to advance and expend during the period of four years, beginning from and after the expiration of the payments provided for in the agreement made between the parties hereto on the eleventh day of February, A. D. eighteen hundred and eighty-seven, and ratified by Congress on the first day of May, A. D. eighteen hundred and eighty-eight, under the direction of the Secretary of the Interior for the

Indians, the sum of three hundred and sixty thousand dollars. It is agreed that the said money shall be deposited in the Treasury of the United States immediately upon the expiration of the payments under the said agreement of 1887, to bear interest at the rate of four per centum per annum, and there shall be expended the sum of ninety thousand dollars yearly, or so much thereof as may be necessary, as hereinafter provided. It is provided that any surplus accumulated under and remaining at the expiration of payments under the agreement of 1887 shall also bear interest at the rate of four per centum per annum.

Such sums, or so much thereof as may be necessary in any one year, shall be expended in the purchase of cows, bulls, and other live stock, goods, clothing, subsistence, agricultural implements; in providing employees, in the education of Indian children, in procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and helpless orphans; in the erection and keeping in repair of such new agency and school buildings, mills, blacksmith, carpenter and wagon shops, as may be necessary; in assisting the Indians to build and keep in repair their houses, enclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement.

ARTICLE III.

Employment of Indians, etc.

It is agreed that in the employment of all agency and school employees preference in all cases be given to Indians residing on the reservation, who are well qualified for such positions, and that all cattle issued to said Indians for stock-raising purposes, and their progeny, shall bear the brand of the Indian Department, and shall not be sold, exchanged, or slaughtered except by the consent of the agent in charge, until such time as this restriction shall be removed by the Commissioner of Indian Affairs.

ARTICLE IV.

Distribution of cattle, etc.; preferences.

In order to encourage habits of industry and to reward labor, it is further understood and agreed that in the giving out or distribution of cattle or other stock, goods, clothing, subsistence, and agricultural implements, as provided in Article II, preference shall be given to Indians who endeavor by honest labor to support themselves, and especially to those who in good faith undertake the cultivation of the soil and engage in pastoral pursuits as a means of obtaining a livelihood, and the distribution of these benefits shall be made from time to time in such manner as shall best promote the objects specified.

ARTICLE V.

Stock raising, etc.

As the scarcity of water on this reservation renders the pursuit of agriculture difficult and uncertain, and since the reservation is well adapted to stock raising, and it seems probable that the main reliance of these Indians for self-support is to be found in cattle raising, it is agreed that during the existence of this agreement no allotments of land in severalty shall be made to them, but that this whole reservation shall continue to be held by these Indians as a communal grazing tract, upon which their herds may feed undisturbed; and that after the expiration of this agreement the land shall continue to be so held until such time as a majority of the adult males of the tribes shall request in writing that allotment in severalty shall be made of their lands: *Provided*, That any member of the tribes may, with the approval of the agent in charge, fence in such area of land as he and the members of his family would be entitled to under the allotment act, and may file with the agent a description of such land and of the improvements that he had made on the same, and the filing of such description shall give the said member of the tribes the right to take such land when allotments of the lands in severalty shall be made.

Article VI.

Surveys, etc.

So soon as this agreement shall have received the approval of Congress, the boundary lines described in Article I shall be surveyed, designated, and marked by monuments not more than one-half mile apart. The expense of such survey shall be borne by the United States, but the unskilled laborers employed in the work shall be hired from among the Indians residing on this reservation.

Such survey and the markings of the above-described boundary lines shall be done immediately—not later than ninety days after the approval of this agreement by Congress—and completed as speedily as possible, and the ceded portion of the reservation shall not be thrown open to occupancy by the whites until after the new boundaries of the reservation shall have been established and marked.

Article VII.

Prior claims.

It is further agreed and provided that none of the money realized from the sale of this land shall be applied to the payment of any judgment which has been or may hereafter be rendered upon any claim for damages because of depredations committed by said Indians prior to the date of this agreement.

Article VIII.

Former agreement continued.

All of the provisions of the agreement between the parties hereto, made February 11, 1887, not in conflict with the provisions of this agreement, are hereby continued in full force and effect.

Article IX.

Meaning of "Indian."

It is understood and declared that whenever the word Indian is used in this agreement it includes mixed bloods as well as full bloods.

Article X.

Ratification.

This agreement shall not be binding upon either party until ratified by Congress.

Dated and signed at the Fort Belknap Agency, Montana, on the ninth day of October, 1895.

[SEAL.] William C. Pollock.
[SEAL.] Geo. Bird Grinnell.
Houga Dju shi na, his x mark, (Little Chief) and others.

Fort Belknap Agency, Mont., October 9, 1895.

We, James Matt, Charles Buckman, Chas. Perry, and James Perry, do certify that the annexed and foregoing agreement by and between the United States and Indians residing upon and attached to the Fort Belknap Indian Reservation in Montana was fully interpreted to said Indians and they made to understand the same; that after said interpretation the said Indians, whose names appear subscribed to said agreement, signed the same in our presence.

We further certify that said Indians are members of said tribes and reside upon said reservation, set apart for said Indians in Montana, and that said subscribers are male adults over the age of 21 years.

Given under our hand at the Fort Belknap Agency this 9th day of October, 1895.

Charles Perry.
Charlie Buckman.
James Matt.
James Perry.

Fort Belknap Agency, Mont., October 9, 1895.

I hereby certify that there are 181 male adult Assinniboine and 153 male adult Gros Ventre Indians, making a total of 334 male adult Indians residing on this reservation and drawing rations and annuities at this agency, as shown by the records of the agency office.

Luke C. Hays,
United States Indian Agent.

Therefore,

Agreement confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

Survey of boundary.

That for the purpose of making the survey of the boundary lines described in article one as provided for by article six of said agreement, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one thousand five hundred dollars, or so much thereof as may be necessary, the same to be immediately available.

Lands open to mineral entry only.

Provisos.
Price.
No occupancy prior to opening.

That upon the filing in the United States local land office for the district in which the lands surrendered by article one of the foregoing agreement are situated, of the approved plat of survey authorized by this section, the lands so surrendered shall be open to occupation, location, and purchase, under the provisions of the mineral-land laws only, subject to the several articles of the foregoing agreement: *Provided*, That said lands shall be sold at ten dollars per acre: *And provided further*, That the terms of this section shall not be construed to authorize the occupancy of said lands for mining purposes prior to the date of filing said approved plat of survey. * * *

AGREEMENT WITH THE INDIANS OF THE BLACKFEET INDIAN RESERVATION IN MONTANA.

Agreement with Blackfeet Reservation Indians.
See note to 1874, ch. 96, ante, p. 149.

Sec. 9. Whereas William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, did on the twenty-sixth day of September, anno Domini eighteen hundred and ninety-five, conclude an agreement with the Indians of the Blackfeet Reservation, in the State of Montana, which said agreement is in words and figures as follows (Senate Document Numbered One hundred and eighteen, Fifty-fourth Congress, first session), to wit:

Agreement concluded September twenty-sixth, eighteen hundred and ninety-five, with the Indians of the Blackfeet Reservation, in Montana, by William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners.

Commissioners.

This agreement, made and entered into the twenty-sixth day of September, anno Domini eighteen hundred and ninety-five, by and between William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, and the undersigned Indians, both full bloods and mixed bloods, residing upon and attached to the Blackfeet Indian Reservation, in the State of Montana, the same constituting a majority of the male adult Indians belonging upon said reservation, both full bloods and mixed bloods, the latter's rights to participate in all business proceedings of said tribe and to share in all the benefits accruing to said tribes from a sale of land or otherwise being hereby recognized as equal to the full bloods, witnesseth that:

ARTICLE I.

Lands relinquished.

For and in consideration of the sums to be paid and the obligations assumed upon the part of the United States, as hereinafter set forth, said Indians of the Blackfeet Reservation hereby convey, relinquish, and release to the United States all their right, title, and interest in and to that portion of their present reservation in the State of Montana lying and being west of the following-described line, to wit:

Beginning at a point on the northern boundary of the reservation due north from the summit of Chief Mountain, and running thence south to said summit; thence in a straight line to the most northeasterly point of Flat Top Crag; thence to the most westerly of the mouths of Divide Creek; thence up said creek to a point where a line drawn from the said northeasterly point of Flat Top Crag to the summit of Divide Mountain intersects Divide Creek; thence to the summit of Divide Mountain; thence in a straight line to the western extremity of the lower Two Medicine Lake; thence in a straight line to a point on the southern line of the right of way of the Great Northern Railway Company four miles west of the western end of the railway bridge across the north fork of the Two Medicine River; thence in a straight line to the summit of Heart Butte, and thence due south to the southern line of the present reservation: *Provided*, That said Indians shall have, and do hereby reserve to themselves, the right to go upon any portion of the lands hereby conveyed so long as the same shall remain public lands of the United States, and to cut and remove therefrom wood and timber for agency and school purposes, and for their personal uses for houses, fences, and all other domestic purposes: *And provided further*, That the said Indians hereby reserve and retain the right to hunt upon said lands and to fish in the streams thereof so long as the same shall remain public lands of the United States under and in accordance with the provisions of the game and fish laws of the State of Montana.

Reservations.

Hunting and fishing.

ARTICLE II.

Consideration.

For and in consideration of the conveyance, cession, and relinquishment hereinbefore made the United States hereby covenants and agrees to advance and expend during the period of ten years beginning from and after the expiration of the payments provided for in the agreement made between the parties hereto on the eleventh day of February, A. D. eighteen hundred and eighty-seven, and ratified by Congress on the first day of May, A. D. eighteen hundred and eighty-eight, under the direction of the Secretary of the Interior for the Indians, both full bloods and mixed bloods, now attached to and receiving rations and annuities at the Blackfeet Agency, and all who shall hereafter be declared by the tribes located upon said reservation, with the approval of the Secretary of the Interior, entitled to membership in those tribes, the sum of one million five hundred thousand ($1,500,000.00) dollars.

Ante, p. 261.

Money payments.

It is agreed that said money shall be paid as follows: The first year after the expiration of payments under the agreement of eighteen hundred and eighty-seven (1887), three hundred thousand ($300,000.00) dollars, one-half of which shall be deposited in the United States Treasury and bear interest at four per centum per annum, and one-half, or so much thereof as shall be necessary, shall be expended as hereinafter provided; and annually thereafter for eight years the sum of one hundred and fifty thousand ($150,000.00) dollars: *Provided*, That any surplus accumulated under and remaining at the expiration of the agreement of 1887, and any surplus that may remain from any annual payment provided for herein, shall also be placed in the United States Treasury to the credit of said Indians, and shall bear interest at the rate of four per centum per annum. Such sums, or so much thereof as may be necessary in any one year, shall be expended in the purchase of cows, bulls, and other live stock, goods, clothing, subsistence, agricultural implements, in providing employees, in the education of Indian children, in procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and of helpless orphans, in the erection and keeping in repair of such new agency and school buildings, mills, blacksmith, carpenter, and wagon shops as may be necessary, in assisting the Indians to build and keep in repair their houses, inclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement.

[29 Stat., 355.]

ARTICLE III.

Employment of Indians, etc.

It is agreed that in the employment of all agency and school employees preference in all cases be given to Indians residing on the reservation, who are well qualified for such positions; and that all cattle issued to said Indians for stock-raising purposes, and their progeny, shall bear the brand of the Indian Department, and shall not be sold, exchanged, or slaughtered, except by the consent of the agent in charge, until such time as this restriction shall be removed by the Commissioner of Indian Affairs.

ARTICLE IV.

Distribution of cattle, etc.; preferences.

In order to encourage habits of industry and to reward labor, it is further understood and agreed that, in the giving out or distribution of cattle or other stock, goods, clothing, subsistence, and agricultural implements, as provided in Article II, preference shall be given to Indians who endeavor by honest labor to support themselves, and especially to those who in good faith undertake the cultivation of the soil and engage in pastoral pursuits as a means of obtaining a livelihood, and the distribution of these benefits shall be made from time to time, in such manner as shall best promote the objects specified.

ARTICLE V.

Stock raising, etc.

Since the situation of the Blackfeet Reservation renders it wholly unfit for agriculture, and since these Indians have shown within the past four years that they can successfully raise horned cattle, and there is every probability that they will become self-supporting by attention to this industry, it is agreed that during the existence of this agreement no allotments of land in severalty shall be made to them, but that this whole reservation shall continue to be held by these Indians as a communal grazing tract upon which their herds may feed undisturbed; and that after the expiration of this agreement the lands shall continue to be held until such time as a majority of the adult males of the tribe shall request in writing that allotment in severalty shall be made of their lands: *Provided*, That any member of the tribe may, with the approval of the agent in charge, fence in such area of land as he and the members of his family would be entitled to under the allotment act, and may file with the agent a description of such land and of the improvements that he has made on the same, and the filing of such description shall give the said members of the tribe the right to take such land when allotments of the land in severalty shall be made.

ARTICLE VI.

Surveys, etc.

So soon as this agreement shall have received the approval of Congress the boundary lines described in Article I shall be surveyed and designated by two engineers, one of whom shall be selected by the

Indians and one by the Secretary of the Interior; the said boundaries shall at once be marked by monuments, not more than one-half mile apart; the points at the mouth of Divide Creek and the westernmost extremity of the lower Two Medicine Lake, after they have been marked, shall be fixed and remain unchanged, no matter what alterations may hereafter take place in the course of said creek, or in the level of said lake. The expense of said survey should be shared equally between the United States and the tribes occupying this reservation, but the unskilled laborers employed in the work shall be hired from among the Indians residing on this reservation.

[29 Stat., 356.]

Such survey and the marking of the above-described boundary lines shall be begun immediately—not later than ninety days after the approval of this agreement by Congress—and completed as speedily as possible, and the ceded portion of the reservation shall not be thrown open to occupancy by the whites until after the new boundaries of the reservation shall have been established and marked.

ARTICLE VII.

Rights of way.

It is further agreed that whenever, in the opinion of the President, the public interests require the construction of railroads or other highways, telegraph or telephone lines, canals and irrigating ditches, through any portion of this reservation, right of way shall be and is hereby granted for such purposes, under such rules, regulations, limitations, and restrictions as the Secretary of the Interior may prescribe; the compensation to be fixed by said Secretary and by him expended for the benefit of the Indians.

ARTICLE VIII.

Prior claims.

It is further agreed and provided that none of the money realized from the sale of this land shall be applied to the payment of any judgment which has been or may hereafter be rendered upon any claim for damages because of depredations committed by said Indians prior to the date of this agreement.

ARTICLE IX.

Former agreement continued.

The provisions of Article VI of the agreement between the parties hereto, made February 11, 1887, are hereby continued in full force and effect, as are also all the provisions of said agreement not in conflict with the provisions of this agreement.

ARTICLE X.

Meaning of "Indian."

It is understood and declared that wherever the word Indian is used in this agreement it includes mixed bloods as well as full bloods.

ARTICLE XI.

Ratification.

This agreement shall not be binding upon either party until ratified by Congress.

Dated and signed at Blackfeet Agency, Montana, on the twenty-sixth day of September, eighteen hundred and ninety-five (A. D. 1895).

[SEAL.] WILLIAM C. POLLOCK.
[SEAL.] GEO. BIRD GRINNELL.
[SEAL.] WALTER M. CLEMENTS.
O NIS TAI PO KAH, his x mark (WHITE CALF), and others.

Witness:
J. E. WEBB.
A. B. HAMILTON.
GEORGE STEELL,
United States Indian Agent.

Blackfeet Indian Agency, September 28, 1895.

[29 Stat., 357.]

I, J. W. Schultz, hereby certify that I wrote the names appearing upon the foregoing pages, the same being those that were signed by the parties by making their mark; that the same was done by them freely and voluntarily, and the names appearing thereon are Indians, both full bloods and mixed bloods, belonging upon and attached to the Blackfeet Indian Reservation.

Given under my hand at the Blackfeet Agency this the 28th day of September, 1895.

J. W. Schultz.

Blackfeet Agency, Mont., September 28, 1895.

We, Charles Simon, James Perrine, and Richard Sanderville, do certify that the annexed and foregoing agreement by and between the United States and Indians, both full bloods and mixed bloods, residing upon and attached to the Blackfeet Indian Reservation, in Montana, was fully interpreted to said Indians and they made to understand the same; that after said interpretation the said Indians whose names appear subscribed to said agreement signed the same in our presence.

We further certify that said Indians are members of said tribe and reside upon said reservation, set apart for said Indians in Montana, and that said subscribers are male adults over the age of 21 years.

Given under our hands at the Blackfeet Indian Agency this 28th day of September, 1895.

Charles Simon,
Special Interpreter.
James Perrine,
Indian Interpreter.
Richard Sanderville,
United States Agency Interpreter.

Blackfeet Agency, Mont., September 28, 1895.

I, George Steell, United States Indian agent at Blackfeet Agency, Mont., hereby certify that the male adult population of the Indians belonging to the Blackfeet Reservation, both full bloods and mixed bloods, is 381.

This certificate is made upon my best knowledge, information, and belief, derived from the records of my office and fortified by all other sources of reliable information as to ages.

Given under my hand at the Blackfeet Agency this 28th day of September, 1895.

George Steell,
United States Indian Agent.

Therefore,

Agreement confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

Survey of boundary.

That for the purpose of paying one-half of the expense of making the survey of the boundary line described in article one, as provided by article six of said agreement, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of two thousand five hundred dollars, or so much thereof as may be necessary, the same to be immediately available; and the Secretary of the Interior is hereby authorized to use so much of any appropriation heretofore or hereafter made for the benefit of the Indians of the Blackfeet Reservation as may be necessary to pay one-half of the expense of the survey of the said boundary line by the said article six of the agreement to be borne by the Indians.

Lands open to mineral entry only.

That upon the filing in the United States local land office for the district in which the lands surrendered by article one of the foregoing agreement are situated, of the approved plat or survey authorized by this section, the lands so surrendered shall be opened to occupation, location, and purchase under the provisions of the mineral-land laws only, subject to the several articles of the foregoing agreement: *Provided*, That the terms of this section shall not be construed to authorize occupancy of said lands for mining purposes prior to the date of filing said approved plat of survey. * * *

Proviso.

No occupancy prior to opening.

[29 Stat., 358.]

AGREEMENT WITH THE INDIANS OF THE SAN CARLOS INDIAN RESERVATION IN ARIZONA.

Agreement with San Carlos Reservation Indians.
28 Stat., 894.

Negotiation for cession of coal fields.
28 Stat., 894.

SEC. 10. Whereas Province McCormick, United States Indian inspector, did, on the twenty-fifth day of February, eighteen hundred and ninety-six, in accordance with the provisions of the Act of Congress of March second, eighteen hundred and ninety-five (Twenty-eighth Statutes at Large, page eight hundred and ninety-four), conclude an agreement with the Indians of the San Carlos Reservation, Arizona, for the cession and relinquishment to the United States of the lands of the reservation embracing the coal fields, which said agreement is in words and figures as follows (House Document Numbered Three hundred and twenty, Fifty-fourth Congress, first cession), to wit:

This agreement, made on the twenty-fifth day of February, one thousand eight hundred and ninety-six, pursuant to an item in the Act of Congress making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1896, as follows: "The Secretary of the Interior is authorized to negotiate with the Indians on the San Carlos Reservation, Arizona, through an inspector, for the cession or relinquishment to the United States of the lands embracing the coal fields, and that any agreement made shall be submitted to Congress for its action," by Province McCormick, United States Indian inspector, on the part of the United States, and the Apache, Mohave, and Yuma Indians, residing on the San Carlos Indian Reservation, in the Territory of Arizona, by their chiefs, headmen, and members of said tribes, embracing a majority of all the male adult Indians occupying said reservation, witnesseth:

ARTICLE I.

Lands ceded.

That the said Indians do hereby cede, grant, and relinquish to the United States all right, title, and claim which they may have in and to all the land embraced within the following-described tract, now a part of the said San Carlos or White Mountain Indian Reservation, to wit:

All the land lying south of a line, commencing at a point on the present eastern boundary of the said reservation, one mile south of Goodwin Spring; thence in a general direction west to the highest point on Mount Turnbull; thence in a westerly direction to a point on a line between the agency building proper and Stanley, or the Saddle butte, seven miles from said building in a southerly direction; thence in a westerly direction at longest possible tangents to the mouth of Hawk Canyon, not crossing said canyon; thence down the Gila River, following the south bank to a point where said Gila River crosses the present western boundary of the reservation.

ARTICLE II.

Consideration.

That in consideration of the lands ceded, relinquished, and conveyed, as aforesaid, the United States stipulates and agrees to place in the Treasury of the United States to the credit and for the sole benefit of the said Apache, Mohave, and Yuma Indians and to account therefor annually, to them through their agent, the net proceeds accruing from the disposal of such coal and mineral lands, lying within the ceded territory, under the laws applicable thereto; and that said money shall be paid to them in cash from time to time as the same shall become available, pro rata, share and share alike to each man, woman, and child of the tribes now living upon and entitled to the privileges of the said reservation: *Provided*, That none of the money credited to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations, claimed to have been committed prior to the signing of this agreement.

Prior claims barred.

ARTICLE III.

Survey, etc.

That for the purpose of segregating the ceded land from the diminished reservation the new boundary line described in article one of the agreement shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments; and that the cost of said survey shall be chargeable to and be paid out of the proceeds of said ceded lands.

ARTICLE IV.

Ratification.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

Dated and signed at San Carlos Agency, Arizona, on the twenty-fifth day of February, one thousand eight hundred and ninety-six.

PROVINCE MCCORMICK,
United States Indian Inspector.

The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs, headmen, and members of the several bands of Apache, Mohave, and Yuma Indians, attached to and receiving rations at the San Carlos Agency, in the Territory of Arizona, do hereby consent and agree to all the stipulations therein contained.

Witness our hands and seals at San Carlos Agency, Arizona, this twenty-fifth day of February, one thousand eight hundred and ninety-six.

(Here follows six hundred and three signatures of the adult male Indians of the San Carlos Reservation.)

Witness:
ALBERT L. MYER,
Capt. Eleventh Infantry, Acting Indian Agent.
D. G. CHEESMAN,
Agency Clerk.

We hereby certify that the foregoing articles of agreement were carefully read and explained to the Indians, parties hereto, in open council, and were thoroughly understood by them before signing the same, and that the agreement was executed and signed by said Indians at the San Carlos Indian Agency, in Arizona Territory, on the twenty-fifth day of February, one thousand eight hundred and ninety-six.

JAMES STEVENS,
United States Special Interpreter.
CONSTANT BREAD,
United States Agency Interpreter, Apache.
MIKE BURNS,
United States Special Interpreter.
ARTHUR DUCAT,
United States Agency Interpreter, Mohave.

Witness:
ALBERT L. MYER,
Capt. Eleventh Infantry, Acting Indian Agent.
D. G. CHEESMAN,
Agency Clerk.

[29 Stat., 360.]

I certify that the records of this office show that the total number of males on this reservation over eighteen years of age, according to last census, was eleven hundred and thirteen, of whom thirty are scouts in the United States service and permanently absent, leaving ten hundred and eighty-three.

ALBERT L. MYER,
Captain Eleventh Infantry, Acting Indian Agent.
SAN CARLOS AGENCY, ARIZ., February 25, 1896.

SAN CARLOS AGENCY, ARIZ.
February 25, 1896.

I certify that the records of this office show ten hundred and eighty-three male adult Indians over eighteen years of age now residing on this entire reservation, and that the foregoing agreement has been duly signed by a majority thereof.

PROVINCE MCCORMICK,
United States Indian Inspector.

Therefore,

Agreement confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Survey of boundary.

The Secretary of the Interior shall cause the said boundary line (estimated length forty-five miles), as described in article three of the agreement quoted and made a part of this Act, to be surveyed, marked, and established, by permanent and durable monuments of stone, the same to be set at each mile and half-mile point and at the angles formed on said line, and set, marked, and witnessed in conformity with instructions to be furnished by said Secretary of the Interior relating thereto; the compensation to be allowed for executing said survey not to exceed the sum of forty dollars per mile, including the monuments.

Appropriation.

Proviso.

Reimbursement.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one thousand eight hundred dollars, or so much thereof as may be necessary, to carry into effect the provisions of the preceding section, said amount to be immediately available: *Provided, however*, That from the proceeds of the sale of the lands ceded by said agreement there shall first be deducted an amount sufficient to reimburse the United States for the expenditure authorized by this section.

Lands open to mineral entry only.

Provisos.

No occupancy prior to opening.

Preference to discoverers of coal, etc.

That upon the filing in the United States local land office for the district in which the lands surrendered by article one of the foregoing agreement are situated, of the approved plat or survey authorized by this section, the lands so surrendered shall be open to occupation, location, and purchase under the provisions of the mineral-land laws only, subject to the several articles of the foregoing agreement: *Provided*, That the terms of this section shall not be construed to authorize occupancy of said lands for mining purposes prior to the date of filing said approved plat of survey: *Provided, however*, That any person who in good faith prior to the passage of this Act had discovered and opened, or located, a mine of coal or other mineral, shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section.

Benjamin J. Clardy. Patent to issue, Oklahoma lands.

That the Secretary of the Interior is hereby directed to issue a patent in fee to Benjamin J. Clardy for all the land heretofore allotted to him in the Territory of Oklahoma, as a citizen Pottawatomie Indian, and all restrictions as to the sale, incumbrance, or taxation of said land is hereby removed.

Approved, June 10, 1896.

ACTS OF FIFTY-FOURTH CONGRESS—SECOND SESSION, 1897.

Jan. 29, 1897.

29 Stat., 502.

CHAP. 108.—An act to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes.

Muskogee, Oklahoma and Western Railroad Company granted right of way, Oklahoma and Indian Territories.

Location.

Branches

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Muskogee, Oklahoma and Western Railroad Company, a corporation created and existing under the laws of the Territory of Oklahoma, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian allotments in severalty in the Territory of Oklahoma along such line or route as may be granted it by the laws thereof, and through the Indian Territory, beginning at a point on the northern line of the Creek Nation, Indian Territory, at or near the mouth of the Cimarron River, running thence by the most feasible and practicable route to the town of Muskogee, Creek Nation; thence in a northeasterly direction by the way of Fort Gibson and Tahlequah to such a point on the western boundary line of the State of Arkansas between the Arkansas River and the northern line of the State of Arkansas as said corporation may elect, with the right to construct, use, and maintain such tracks, bridges, and sidings as said company may deem it to their interests to construct along and upon the right of way and depot grounds herein provided for, with the right to construct two branch lines of road, one commencing at the town of Muskogee, in the Creek Nation, and running thence in a southeasterly direction on the south side of the Arkansas River to the west boundary line of the State of Arkansas, the other commencing at or near said town of Muskogee and running thence in a southwesterly direction by the most feasible and practicable route to such a point on the eastern boundary of Oklahoma Territory, south of the Canadian River, as said company may select; and the company shall have the same rights and privileges for its branch railway, telegraph, and telephone lines as for its main line.

Width.

Stations, etc.

Provisos.
Limit for stations.
Reversion for nonuser.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way one hundred feet in width through said allotted lands and through said Indian Territory, both for its main line and branches thereof, and to take and use a strip of land one hundred feet in width, with a length of two thousand feet in addition to the right of way, for stations for every ten miles of said railroad, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width, along said right of way, or as much thereof as may be included in said cuts or fills: *Provided*, That no more than said addition of land shall be taken for any one station: *And provided further*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the individual Indian or to the nation or tribe of Indians from which the same shall have been taken.

Payments to individuals.
In Oklahoma.

SEC. 3. That before said railroad, telegraph, and telephone line shall be constructed through any land in the Territory of Oklahoma allotted to an Indian in severalty, by authority of the United States, full compensation shall be paid such allottee for all property taken and damage done by reason of the construction of said railway, telegraph, and telephone line. And it shall be the duty of the Secretary of the Interior to fix, in such manner as he shall designate, the amount of compensation to be paid such allottees. And before said railway shall be constructed through any lands held by individual occupants, according to the laws, customs, and usages of any Indian nation or tribe, full compensation shall be paid to such occupants for all property to be taken or damage done by reason of the construction of the railway, telegraph, and telephone line. And in case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the principal chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe before a judge, clerk, or commissioner of the United States court for the Indian Territory an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and be filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President of the United States, the vacancy shall be filled by the Secretary of the Interior. The chairman of said board shall appoint the time and place for all hearings within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act, with mileage at the rate of five cents per mile. Witnesses shall receive the usual fees allowed by the United States courts for the Indian Territory. Costs, including compensation of referees, shall be made a part of the award, and shall be paid by said railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the findings of the referees, shall have the right, within ninety days after the making of the award, and notice of the same to the Secretary of the Interior, to appeal by original petition to the United States district court for the Indian Territory having jurisdiction.

Appraisement.
Referees.

Substitution on failure to appoint.

Hearings.

Compensation, etc.

Costs.

Appeal.

Freight charges.

Proviso.
Passenger rates.

Regulations.

Maximum rates.

Mails.

SEC. 4. That the said railroad company shall not charge the inhabitants of said Territory a greater rate for freight than is authorized by the laws of the State of Arkansas for services or transportation of the same kinds: *Provided*, That passenger rates on said railroad shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territories, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freight within their respective limits; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railroad company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Payment to tribes.

SEC. 5. That said railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of seventy-five dollars, in addition to compensation provided in this Act, for property taken and damages done to individual occupants by reason of the construction of the railway, for each mile of railway that it may construct

Provisos.
Appeal by general councils.
Amount in lieu of compensation.
Annual rental.
Taxation.
Survey, etc.

in the Indian Territory, said payments to be made in installments of seven hundred and fifty dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands the railway may be located, within four months after the filing of maps of definite location as set forth in section six of this Act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then the compensation to be paid to such dissenting nation or tribe under the provisions of this Act for right of way shall be determined as provided in section three for the determination of the compensation to be paid to individual occupants of lands under tribal custom: *Provided further*, That the amount awarded or adjudged to be paid by said railroad company to said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision, except as to annual tax. Said company shall also pay, so long as said Indian Territory is owned and occupied by the Indians, to the Secretary of the Interior the sum of twenty dollars per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this Act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railroad company through their lands respectively: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit. And any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railroad company shall also have the right to survey and locate its railway immediately after the passage of this Act.

Map to be filed.
Provisos.
Time of construction.
Grading.

SEC. 6. That said company shall cause a map, upon a scale of not less than one inch to the mile, showing the entire route of its located line through said allotted lands and through the Indian Territory, both for its main line and branches, to be filed with and approved by the Secretary of the Interior, to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway, telegraph, and telephone line may be located, and also in the office of the United States Indian agent for the respective agencies, before any part of the line of road herein provided for shall be constructed; and after the filing and approval of said map by the Secretary of the Interior, no claim for a subsequent settlement and improvement upon the right of way as shown by said map shall be valid as against the company: *Provided*, That said railway, telegraph, and telephone line is located and constructed within the time herein limited: *And provided further*, That the chief engineer of the company shall certify, under oath, to the Secretary of the Interior, as to the date of the completion of each ten-mile section of the road by grading, immediately after such completion.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said railway, telegraph, and telephone line shall be allowed to reside, while so engaged, upon such right of way, but subject to the provision of the Indian intercourse laws, and subject also to such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Commencement and completion.

SEC. 8. That said company shall build at least one hundred miles of its railway in the Indian Territory within three years after the passage of this Act, and complete the main line and branches thereof within three years thereafter, or the rights herein granted shall be forfeited as to that portion not built, and that without any declaration of forfeiture

Crossings, etc.

May bridge Arkansas River.

Provisos.
Secretary of War to approve plans, etc.

Toll.

Approaches to bridge.

on the part of any officer or employee of the Government. And said company shall also construct and continuously maintain all roads, highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said company's right of way or may be by the proper authorities laid out across the same. And said railroad company is also hereby authorized, in case it so elects, for the greater accommodation of the public, to so construct its bridge across the Arkansas River as to make it a suitable and safe structure for the crossing of vehicles of all kinds, animal and foot travelers, as well as railroad trains: *Provided*, That the plans of construction of all bridges across navigable streams, along and upon the right of way herein provided for, shall be subject to the approval of the Secretary of War. But if said bridge across the Arkansas River is constructed for said additional use, then the said railroad company shall have the right to construct and maintain the necessary wagon-road approaches to the nearest public highway at each end of the bridge: *Provided further*, That said railroad company, in case of the construction of said bridge for the additional uses herein named, shall be authorized to collect tolls from all who may use said bridge, but the toll fees charged shall not be greater than the toll fees allowed by the laws of the State of Arkansas for like services on toll bridges across the Arkansas River in that State: *Provided further*, That this Act shall not be so construed as to give or grant said company any right, title, or interest in or to the wagon-road approaches to the nearest public highways which it is authorized to construct from the ends of the bridge, or to charge or collect toll fees for traveling over said wagon-road approaches.

Condition of acceptance.

Proviso.
Forfeiture.

SEC. 9. That said Muskogee, Oklahoma and Western Railroad Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing of the present tenure of the Indians in their lands, and will not attempt to secure from the Indians or Indian nations and tribes any further grant of land or its occupancy than is hereinbefore provided for; and the acceptance of the provisions of this section shall be made by the proper authority of the company under the corporate seal before the commencement of the construction of the road: *Provided*, That any violation of the conditions of this section shall operate as a forfeiture of all rights granted by this Act.

Record of mortgages.

SEC. 10. That all mortgages executed by said railroad company conveying any portion of its railroad that may be constructed in said Indian Territory shall be recorded in the office of the Secretary of the Interior and also in the office of the clerk of the United States district court for the Indian Territory having jurisdiction, and the record thereof shall be evidence and notice of their execution and shall convey all rights and property of said company therein expressed.

Assignment forbidden.

SEC. 11. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgage or other liens that may be given or secured thereon to aid in the construction thereof.

Amendment, etc.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this Act.

Received by the President, January 18, 1897.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Feb. 6, 1897.

29 Stat., 512.

CHAP. 170.—An act to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

Right of way Eastern Nebraska and Gulf Railway through Omaha and Winnebago reservations, Nebr.

Time for construction extended.

See 1894, ch. 117, ante, p. 511.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time prescribed by an Act of Congress approved the twenty-seventh day of June, eighteen hundred and ninety-four, entitled "An Act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," for the construction of said railway, be, and the same is hereby, extended for a period of three years from the twenty-seventh day of June, eighteen hundred and ninety-seven.

SEC. 2. That all other provisions of said Act are hereby continued in full force and effect.

Approved, February 6, 1897.

Feb. 15, 1897.

29 Stat., 527.

CHAP. 228.—An act to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation.

Hudson Reservoir and Canal Company granted right of way Gila River Indian Reservation, Ariz.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Hudson Reservoir and Canal Company, a corporation created and existing under and by virtue of the laws of the Territory of Arizona, be, and the said corporation is hereby, authorized and empowered to locate, construct, own, maintain, and operate its main line of canal through and across the Indian reservation situated in the Territory of Arizona, known as the Gila River Reservation, occupied by the Pima, Maricopa, and Sacaton Indians, from a point on the northerly line of said reservation, running thence by the most practicable route to the southerly line of said reservation, and to construct, own, maintain, and operate such aqueducts, flumes, siphons, bridges, and other structures as may be necessary for the conveyance of water where the same can not be conveyed in the canal itself, and the development, utilization, and transmission of any power derived from the water so carried.

Width.

Proviso.

Reversion for nonuser.

Consent of occupants.

SEC. 2. That a right of way fifty feet in width on each side of said main canal is hereby granted to said Hudson Reservoir and Canal Company: *Provided*, That no part of the lands granted shall be used except in such manner and for such purposes only as shall be reasonably necessary for the construction and convenient operation of said canal and said other structures; but when any portion thereof shall cease to be so used, such portion shall revert to the tribe or tribes of Indians from which the same shall have been taken, or, in case they shall have ceased to occupy the same, to the United States: *And provided further*, That when any such lands shall be taken for the purposes aforesaid the consent of the occupants thereof shall be obtained in a manner satisfactory to the President of the United States.

Compensation.

SEC. 3. That before said canal or other structures shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian tribes through which the same may be constructed, full compensation shall be made to such occupants for all property taken or damage done by reason of the construction of such canal or other structures, the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

Secretary of Interior to approve location, etc.

SEC. 4. That said company shall cause maps showing the route of its located line through said Indian reservation to be filed in the office of the Secretary of the Interior, and that said location shall be approved by the Secretary of the Interior before any grading or construction upon any section or part of said located line shall be begun: *Provided*, That said canal and other structures be located and constructed with a due regard for the rights of the Indians and especially so as not to interfere with their irrigating ditches.

Proviso.
Rights of Indians.

SEC. 5. That the officers, servants, and employees of said company necessary to the construction, maintenance, management, and operation of the structures hereby authorized shall be allowed to reside while so engaged upon the lands herein granted, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with the said intercourse laws.

Employees may reside on right of way.

SEC. 6. That said company shall have the right to survey and locate its canal immediately after the passage of this Act.

Survey, etc.

SEC. 7. That in connection with the said canal and its appurtenances said company shall have the right to erect, maintain, and use a telegraph or telephone line, or both, and other appliances reasonably necessary or convenient for the construction, maintenance, and operation of the said canal and its appurtenances, but only within and upon the limits of the right of way hereby granted.

Telegraph and telephone line.

SEC. 8. That the said Hudson Reservoir and Canal Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That the rights herein granted are upon the express condition that the grantee thereof, its successors or assigns shall at all times during the continuance of the grant furnish the Indians located under its canal along said right of way with water sufficient for all domestic and agricultural purposes, and purposes of irrigation on such just and reasonable terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Condition of acceptance.

Proviso.
Water to Indians.

SEC. 9. That Congress may at any time amend, alter, add to, or repeal this Act.

Amendment, etc.

Approved, February 15, 1897.

CHAP. 230.—An act to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December twenty-first, eighteen hundred and ninety-three.

Feb. 15, 1897.
29 Stat., 529.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an Act entitled "An Act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December twenty-first, eighteen hundred and ninety-three, be, and the same are hereby, extended for a period of two years from and after December twenty-first, eighteen hundred and ninety-six, so that said Kansas, Oklahoma Central and Southwestern Railway Company shall have until December twenty-first, eighteen hundred and ninety-eight, to build the first one hundred miles of its said railway line in said Territories, and two years thereafter to complete the same.

Right of way granted Kansas, Oklahoma Central and Southwestern Railway through Indian and Oklahoma Territories extended.
1893, ch. 9, ante, p. 505; 1899, ch. 178, post, p. 672.

SEC. 2. That section one of said Act approved December twenty-first, eighteen hundred and ninety-three, be amended to read as follows: "That the Kansas, Oklahoma Central and Southwestern Railway Company, a corporation organized, created, and existing under and by virtue of the laws of the Territory of Oklahoma, and of the laws of the State

Location changed.

of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory and Oklahoma Territory, including lands that have been allotted to Indians in severalty or reserved for Indian purposes, beginning at any point to be selected by said railway company on the south line of the State of Kansas, in the county of Montgomery, on the south line of section numbered thirteen or section numbered fourteen, township numbered thirty-five, range numbered thirteen east of the sixth principal meridian, or on the south line of section numbered thirteen or section numbered fourteen, township numbered thirty-five, range sixteen east of the sixth principal meridian, and running thence by the most practicable route through the Indian Territory to the west line thereof; thence in a south or southwesterly direction by the most practicable route into and through Oklahoma Territory to a point on the Texas State line and on Red River between said State of Texas and the Comanche and Apache Indian reservations, in said Oklahoma Territory, by way of Bartlesville, Pawhuska, Pawnee, Stillwater, Guthrie, and El Reno, in Oklahoma Territory, and passing through the Osage, Pawnee, Wichita, Kiowa, Comanche, and Apache Indian reservations, and through the organized counties of Pawnee, Payne, Logan, Oklahoma, and Canadian, in said Oklahoma Territory, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to their interest to construct along and upon the right of way and depot grounds herein provided for.

Indian Territory.

Oklahoma Territory.

Extension to mineral lands, Indian Territory.

SEC. 3. That the said railway company shall have power to construct, equip, and operate a branch or extension from its main line, starting at or near Bartlesville, Indian Territory, and running thence in a south or southeasterly direction, a distance of not to exceed thirty miles, to coal and other mineral lands or mines which are operated or may hereafter be operated in the Cherokee Nation, Indian Territory; and for such purposes the said railway company is hereby empowered to acquire and occupy a right of way of the same dimensions, by the same methods, and for the same compensation as provided for in the original Act approved December twenty-first, eighteen hundred and ninety-three.

Approved, February 15, 1897.

Feb. 23, 1897.

29 Stat., 592.

CHAP. 308.—An act to extend the time for the completion of the Saint Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota.

Right of way, Indian reservations, Minnesota, by St. Paul, Minneapolis and Manitoba Railway extended.

1894, ch. 140, ante, p. 515.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the construction of the Saint Paul, Minneapolis and Manitoba Railway through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota, as limited by section three of an Act of Congress entitled "An Act granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota," approved July eighteenth, eighteen hundred and ninety-four, together with the rights and privileges granted by said Act, be, and the same are hereby, revived and extended for the period of two years from the eighteenth day of July, eighteen hundred and ninety-seven.

Approved, February 23, 1897.

RESOLUTION No. 17.—Joint resolution to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota.

Feb. 23, 1897.

29 Stat., 702.

Right of way, Indian reservations, Minnesota.

1894, ch. 342, ante, p. 560.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of an Act entitled "An Act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota," approved August twenty-seventh, eighteen hundred and ninety-four, be, and the same is hereby, amended by striking out the word "three" and inserting the word "five," and inserting the words "or its legal successor, the Duluth, Superior and Western Railroad Company," so that the bill will read:

Time extended for construction by Duluth, Superior and Western Railroad Company.

"SEC. 5. That the right herein granted shall be forfeited by said company or its legal successor, the Duluth, Superior and Western Railroad Company, unless the road shall be constructed through the said reservations within five years after the passage of this Act."

Approved, February 23, 1897.

ACTS OF FIFTY-FIFTH CONGRESS—FIRST SESSION, 1897.

CHAP 3.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

June 7, 1897.

30 Stat., 62.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department in full compensation for all offices the salaries for which are specially provided for herein for the service of the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and fulfilling treaty stipulations for the various Indian tribes, namely:

* * * * * * *

[30 Stat., 67.]
Aids to navigation.

U. S. not liable for overflows.

That all lands acquired and sold by the United States under the "Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, shall be subject to the right of the United States to construct and maintain dams for the purpose of creating reservoirs in aid of navigation, and no claim or right of compensation shall accrue from the overflowing of said lands on account of the construction and maintenance of such dams or reservoirs. And the Secretary of War shall furnish the Commissioner of the General Land Office a list of such lands, with the particular tracts appropriately described, and in the disposal of each and every one of said tracts, whether by sale, by allotment in severalty to individual Indians, or otherwise, under said Act, the provisions of this paragraph shall enter into and form a part of the contract of purchase or transfer of title.

* * * * * * *

[30 Stat., 72.]
Leases permitted.
See note to 1872, c. 309, ante, p. 136.

Proviso.

That the allottees of land within the limits of the Quapaw Agency, Indian Territory, are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years, for farming or grazing purposes, or ten years for mining or business purposes. And said allottees and their lessees and tenants shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to

Age or disability of allottee.

appear to the Secretary of the Interior that, by reason of age or disability, any such allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased, in the discretion of the Secretary, upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed.

Peoria and Miami Reservation.
Adult allottees may sell.
See note to 1872, c. 282, ante, p. 138.

That the adult allottees of land in the Peoria and Miami Indian Reservation in the Quapaw Agency, Indian Territory, who have each received allotments of two hundred acres or more may sell one hundred acres thereof, under such rules and regulations as the Secretary of the Interior may prescribe.

* * * * * * *

Woolen clothing, delivery by 1st of November, etc.

That it shall be the duty of the Secretary of the Interior hereafter to cause the actual delivery of the woolen clothing herein contemplated and contemplated in prior Acts of Congress and treaties to the Sioux and Ponca Indians of Nebraska and North and South Dakota by the first day of November of the fiscal year for which such appropriations shall be made;

* * * * * * *

[30 Stat., 75.]
Omaha, Nebr.
Warehouse.
Proviso.
City to furnish building, etc.

That the Secretary of the Interior shall, within one year after the passage of this Act, establish and thereafter maintain at the city of Omaha, in the State of Nebraska, a warehouse for Indian supplies, from which distributions shall be made to such Indian tribes of the West and Northwest as the Secretary of the Interior may direct: *Provided*, That the city of Omaha shall provide, equip, and furnish a building suitable for this purpose free of cost to the United States.

* * * * * * *

Leases permitted.
Ante, p. 428.

That the Sisseton and Wahpeton Indians are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years for farming or grazing purposes.

* * * * * * *

[30 Stat., 76.]
Water for irrigation, etc., Southern Ute Reservation, Colorado.
Report.

The Secretary of the Interior is hereby directed to confer with the owners of the Montezuma Valley Canal, in the county of Montezuma and State of Colorado, or any other parties, for the purpose of securing by the Government water rights, or for the supply of so much water, or both, as he may deem necessary for the irrigation of that part of the Montezuma Valley lying within the boundaries of the Southern Ute Indian Reservation in said State, and for the domestic use of the Indians thereon; and he shall report to Congress at its next regular session the amount of water necessary to be secured for said purpose and the cost of the same, and such recommendations as he shall deem proper.

* * * * * * *

Naalem band, Tillamook tribe.
Payment to.
Proviso.
Acceptance in full.

That there be paid to the Naalem band of the Tillamook tribe of Indians, of Oregon, the sum of ten thousand five hundred dollars, to be apportioned among those now living and the heirs of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; and that for this purpose there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of ten thousand five hundred dollars: *Provided*, That said Indians shall accept said sum in full of all demands or claims against the United States for the lands described in an agreement made with them dated the sixth day of August, eighteen hundred and fifty-one.

* * * * * * *

[30 Stat., 86.]
Chickasaw Nation, Ind. T., resurvey.
Provisos.
To be done by Geological Survey.

For resurvey of the lands of the Chickasaw Nation, Indian Territory, one hundred and forty-one thousand five hundred dollars, to be immediately available: *Provided*, That such resurveys shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose; and such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared they shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for filing in the Indian Office and one in the General Land Office, and twenty photolithographic copies of the plats shall be returned, one for filing in the Office of Indian Affairs and one in the General Land Office, which shall be certified to by the Director of the Geological Survey, and the others filed in the General Land Office, with the facsimile of the signature of the Director of the Geological Survey; and the same provision shall also extend to the plats to be filed of the surveys already made or to be made under the supervision of the Director of the Geological Survey within the Indian Territory, and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys, and in making the resurvey the former land survey is to be disregarded, the latter now being declared null and void: *Provided further*, That hereafter in the public-land surveys of the Indian Territory iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public-land surveys.

Filing plats, etc.

Photolithographic copies.

Force and effect.

Inconsistent laws.

Boundary monuments.

* * * * * * *

[30 Stat., 87.]

Puyallup Reservation, Wash.

Commissioner to superintend sale of lands, etc.

For commissioner, to be appointed by the President, by and with the advice and consent of the Senate, to superintend the sale of lands, ascertain who are the owners of the allotted lands, have guardians appointed for any minor heirs of deceased allottees, make deeds of the lands to the purchasers thereof, subject to the approval of the Secretary of the Interior, which deeds shall operate as a complete conveyance of the land upon payment of the purchase money therefor, and to carry out the provisions of the Act approved March third, eighteen hundred and ninety-three, relative to lands of the Puyallup Indian Reservation, Washington, as set forth on pages six hundred and thirty-three and six hundred and thirty-four of volume twenty-seven of the Revised Statutes, two thousand dollars.

Ante, p. 487.

Uncompahgre Ute Indians.

Allotment to.

The Secretary of the Interior is hereby directed to allot agricultural lands in severalty to the Uncompahgre Ute Indians now located upon or belonging to the Uncompahgre Indian Reservation in the State of Utah, said allotments to be upon the Uncompahgre and Uintah reservations or elsewhere in said State. And all the lands of said Uncompahgre Reservation not theretofore allotted in severalty to said Uncompahgre Utes shall, on and after the first day of April, eighteen hundred and ninety-eight, be open for location and entry under all the land laws of the United States; excepting, however, therefrom all lands containing gilsonite, asphalt, elaterite, or other like substances.

Unallotted lands open for location, etc.

Gilsonite, etc., lands excepted.

* * * * * * *

Homes for Absentee Wyandot.

Ante, pp. 522, 600.

That it being impracticable to provide homes in the Indian Territory for the Absentee Wyandotte Indians as contemplated by the Acts of Congress approved June tenth, eighteen hundred and ninety-six, and of August fifteenth, eighteen hundred and ninety-four, the Secretary of the Interior is therefore directed to use the money appropriated therefor by Acts of August fifteenth, eighteen hundred and ninety-four, and March second, eighteen hundred and ninety-five, in locating

R. B. Armstrong, payment to.

homes for said Indians upon any lands that may be available and suitable for such purpose, except that out of said money so appropriated as aforesaid R. B. Armstrong, attorney of said Absentee Wyandottes, be allowed and paid the sum of one thousand dollars for his services and expenses already incurred in and about such matters in behalf of said Indians.

Digest of decisions, etc., Indian affairs.

[30 Stat., 88.]
29 Stat., 341.
Proviso.
May be done by a clerk of the Indian Office.

Kenneth S. Murchison.

Millard F. Holland.
Compensation.

For completion of the digest, now being prepared under the direction of the Secretary of the Interior, of the decisions of the courts and the Interior Department, and of the opinions of the Attorney-General relating to Indian Affairs, under authority of the Indian Appropriation Act approved June tenth, eighteen hundred and ninety-six, two thousand dollars: *Provided*, That the Secretary of the Interior may authorize said work to be performed by a clerk of the Indian Office out of office hours and pay a proper compensation to such clerk therefor. And the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Kenneth S. Murchison, allowing him credit for such sums as he has disbursed under the appropriation heretofore made or may hereafter disburse under this appropriation for this purpose to himself or to Millard F. Holland, under authority of the Secretary of the Interior, for services heretofore, or that may be hereafter, rendered by them in connection with the preparation of said digest.

* * * * * * *

Fond du Lac band Chippewa of Lake Superior.
Claim for compensation.
See note to 1869, ch. 24, ante, p. 302.

Vol. 2, p. 648.

[30 Stat., 89.]

Court of Claims to have jurisdiction.

Petition.

Points for consideration, etc.

Answer.

Report.

That the claim of the Fond du Lac band of Chippewa Indians of Lake Superior for compensation arising from the alleged difference in area of the reservation as actually set apart to them and that provided to be set apart, under the fourth subdivision of article two of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the State of Wisconsin, on the thirtieth day of September, in the year eighteen hundred and fifty-four, proclaimed January twenty-ninth, eighteen hundred and fifty-five, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the difference, if any, between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, the said action to be brought by the said Fond du Lac band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this Act; and in hearing and determining the said matter, the court shall take into consideration and determine whether since the date of said treaty there has been any equitable adjustment made to said Indians in whole or in part for the alleged difference in area, and the court shall also take into consideration and make due allowance for the fact that said Indians were given a share in the proceeds of the lands sold and disposed of under and pursuant to the provisions of an Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine. The Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court and when completed, the court shall make a full report to Congress.

* * * * * * *

Preamble.
Ante, p. 155.

Whereas the Seneca Indians in council, January third, eighteen hundred and ninety-three, duly entered into an agreement with William B. Barker whereby said nation leased to said Barker the Oil Springs, the Cattaraugus, and Allegany reservations, situate in western New York, for the purpose of boring and testing said territory for gas and oil, under certain conditions therein stated, said agreement having been ratified and confirmed by Act of Congress; and

Seneca Indians.
Re-lease of portions of lands, etc., ratified.

Whereas the assignee of said lease has re-leased to the Seneca Indians certain portions of the lands and reservations, included or referred to in said lease, and the council of the Seneca Nation of Indians, by a resolution adopted by said council, on or about the third day of December, eighteen hundred and ninety-six, in all things ratified, confirmed, and extended as to the lessee thereof, and as to the assignees thereof, the said lease, and empowered and authorized them to fulfill the said lease, the same and to the same extent as the original lessee might or could have done, when said lease was executed: Now therefore, The action aforesaid of the lessee of said lease and of the council of the Seneca Nation is hereby ratified and confirmed as the same has been sanctioned and ratified by the said resolution of the said Seneca Nation.

[30 Stat., 90.]

* * * * * * *

[30 Stat., 92.]
Chippewa and Christian Reservation, Kans.
Commissioner to investigate, etc., title of allottees, etc.
See note to 1889, ch. 24, ante, p. 302.
Vol. 2, p. 792.

SEC. 9. That the Secretary of the Interior be, and he is hereby, directed to appoint a discreet person as a commissioner, who shall visit the Chippewa and Christian Indian Reservation in Franklin County, Kansas, and make a thorough investigation and full report of the title of the individual members of said bands in and to the several tracts of land therein which have been allotted to said members, for which certificates have been issued by the Commissioner of Indian Affairs, as provided in the first article of the treaty of July sixteenth, eighteen hundred and fifty-nine, with the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians of Kansas.

Census of Indians, etc.

That said commissioner shall take a census of said Indians, the enrollment to be made upon separate lists; the first to include all of said bands who hold title to land either by original allotment and certificate, by purchase and approved conveyance, or by inheritance, with a description of the land so held or owned by each, and where any tract is claimed by tenants in common, either as heirs of a deceased allottee or otherwise, the interest of each claimant in such tract to be clearly and distinctly stated, the ownership of lands of deceased allottees to be determined under the laws of Kansas relating to descent; and the second list to embrace all of said bands who have not received an allotment of land, but would, if there were sufficient land, be entitled thereto under the treaty.

Patents in fee.

That upon the approval of said census and the report of said commissioner by the Secretary of the Interior, patents in fee shall issue in favor of those persons found by the Secretary of the Interior to be entitled to the land held by them.

Partition of land, etc.

That where there are several heirs, and partition of land is practicable, the partition shall be made by said commissioner, but if not practicable said land may be appraised and sold as hereinafter directed, and the net proceeds paid to said heirs according to the respective title or share each may have in said land.

Moravian Church, Kansas, patent in fee to, etc.

That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to the Moravian Church, or its constituted authorities, for the northeast quarter of the southwest quarter of section twelve, of township seventeen south, of range eighteen east, in Kansas.

Commission to appraise residue of lands.
Reports.
Inherited lands.

That the residue of their lands shall be appraised by a commission consisting of said commissioner, the Indian agent, and a person to be selected by the Indians in open council, who shall report the same to the Commissioner of Indian Affairs; that said commission shall place a valuation for purposes hereinafter named on all tracts of lands now owned or held by inheritance, and make a separate report thereof.

Sale of residue of lands by land office, etc.

That upon the approval of said appraisement by the Secretary of the Interior, he shall offer said residue of lands, at the proper land office in Kansas, in such manner and upon such terms as he may deem advisable, except that the time for full and complete payment shall not exceed

Proviso.
Highest bidder.

one year, with clause of absolute forfeiture in case of default: *And provided,* That the same shall be sold to the highest bidder, and at a price not less than the appraised value.

Lands of allottee who has died without heirs or abandoned his allotment.

That where an allottee has died leaving no heirs or has abandoned his or her allotment, and has not resided thereon or lived within the said reservation for three consecutive years, the lands and improvements of such allottee shall be appraised and sold in like manner as other lands herein described, as provided herein.

Net proceeds from sale of lands, etc.

[30 Stat., 96.]

That the net proceeds derived from the sale of the lands herein authorized to be sold, after payment of the expenses of appraisal and sale thereof, shall be placed in the Treasury for the benefit of those members of said bands of Indians who have not received any land by allotment, and shall be paid per capita to those entitled to share therein who are of age, and to others as they shall arrive at the age of twenty-one years, upon the order of the Secretary of the Interior, or shall be expended for their benefit in such manner as the Secretary of the Interior may deem for their best interest.

That when a purchaser shall have made full payment for a tract of land, as herein provided, patent shall be issued as in case of public lands under the homestead and preemption laws.

Appropriation.

Reimbursement.

That, for the purpose of carrying out the provisions of this section, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary, which sum shall be reimbursed as follows: All expenses of appraisal and sale out of the proceeds of such sale, and all other expenses out of the funds of said Chippewa and Munsee or Christian Indians, now held for them by the United States, said sum being on the first day of January, eighteen hundred and ninety-six, forty-two thousand five hundred and sixty dollars and thirty-six cents.

Per capita payment of trust funds, etc.

That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Munsee or Christian Indians, per capita, the remainder of said funds of forty-two thousand five hundred and sixty dollars and thirty-six cents, trust funds now to their credit on the books of the Treasury Department, after deducting the expenses incurred in carrying out the provisions of this section.

Consent.

That no proceedings shall be taken under this section until the said bands of Indians shall file with the Commissioner of Indian Affairs their consent thereto expressed in open counsel.

* * * * * * *

Agreement with the Shoshoni and Arapaho Indians.

AGREEMENT WITH THE SHOSHONE AND ARAPAHOE TRIBES OF INDIANS IN WYOMING.

See note to 1874, ch. 2, ante, p. 153.

See note to 1889, ch. 205, ante, p. 314.

SEC. 12. That the following amended agreement with the Shoshone and Arapahoe tribes of Indians in the State of Wyoming is hereby accepted, ratified, and confirmed, and shall be binding upon said Indians when they shall in the usual manner agree to the amendment herein made thereto, and as amended is as follows, namely:

Articles of agreement made and entered into at Shoshone Agency, in the State of Wyoming, on the twenty-first day of April, eighteen hundred and ninety-six, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Shoshone and Arapahoe tribes of Indians in the State of Wyoming.

ARTICLE I.

Lands relinquished.

For the consideration hereinafter named the said Shoshones and Arapahoe tribes of Indians hereby cede, convey, transfer, relinquish, and surrender forever and absolutely all their right, title, and interest of every kind and character in and to the lands and the water rights appertaining thereto embraced in the following-described tract of country, embracing the Big Horn Hot Springs in the State of Wyoming:

All that portion of the Shoshone Reservation described as follows, to wit: Beginning at the northeast corner of the said reservation, where Owl Creek empties into the Big Horn River; thence south ten miles, following the eastern boundary of the reservation; thence due west ten miles; thence due north to the middle of the channel of Owl Creek, which forms a portion of the northern boundary of the reservation; thence following the middle of the channel of said Owl Creek to the point of beginning.

ARTICLE II.

Consideration.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the said Shoshone and Arapahoe tribes of Indians the sum of sixty thousand dollars, to be expended for the benefit of the said Indians in the manner hereinafter described.

ARTICLE III.

Per capita distribution of portion of consideration money, etc.

Of the said sixty thousand dollars provided for in Article II of this agreement it is hereby agreed that ten thousand dollars shall be available within ninety days after the ratification of this agreement, the same to be distributed per capita, in cash, among the Indians belonging on the reservation. That portion of the aforesaid ten thousand dollars to which the Arapahoes are entitled is, by their unanimous and expressed desire, to be expended, by their agent, in the purchase of stock cattle for distribution among the tribe, and that portion of the beforementioned ten thousand dollars to which the Shoshones are entitled shall be distributed per capita, in cash, among them: *Provided*, That in cases where heads of families may so elect, stock cattle to the amount to which they may be entitled may be purchased for them by their agent.

Proviso.
Stock cattle.

Payment of remainder of consideration.

The remaining fifty thousand dollars of the aforesaid sixty thousand dollars is to be paid in five annual installments of ten thousand dollars each, the money to be expended, in the discretion of the Secretary of the Interior, for the civilization, industrial education, and subsistence of the Indians; said subsistence to be of bacon, coffee, and sugar, and not to exceed at any time five pounds of bacon, four pounds of coffee, and eight pounds of sugar for each one hundred rations.

ARTICLE IV.

Existing annuities.

Nothing in this agreement shall be construed to deprive the Indians of any annuities or benefits to which they are entitled under existing agreements or treaty stipulations.

ARTICLE V.

Ratification.

This agreement shall not be binding upon either party until ratified by the Congress of the United States.

Done at Shoshone Agency, in the State of Wyoming, on the twenty-first day of April, A. D. eighteen hundred and ninety-six.

JAMES MCLAUGHLIN. [SEAL.]
U. S. Indian Inspector.

(Here follow the signatures of Washakie, chief of the Shoshones, Sharp Nose, chief of the Arapahoes, and two hundred and seventy-one other male adult Indians over eighteen years of age, belonging on the Shoshone Reservation.)

I certify that, at the request of Indian Inspector James McLaughlin, I read the foregoing agreement to the Indians in joint council, and that it was explained to the interpreters, paragraph by paragraph.

JOHN S. LOUD,
Captain 9th Cavalry, U. S. Army,
Commanding Fort Washakie, Wyo.

We certify that the foregoing agreement was fully explained in joint council to the Shoshone's and Arapahoe's tribes, that they fully understand the nature of the agreement, and agree to the same.

EDMO. LE CLAIR,
NORKOK, his x mark,
Shoshone Interpreters,
HENRY LEE
WILLIAM SHAKESPEARE
Arapahoe Interpreters.

Witnesses:
THOS. R. BEASON,
JNO. W. TWIGGS, JR.

I certify that the foregoing names, though in some cases duplicates, in every instance represents different individuals.

EDMO. LE CLAIR,
Special Interpreter.

Witnesses to the foregoing agreement and signatures of the Indians.

Captain 9th Cavalry.
JOHN S. LOUD,
JOHN F. MCBLAIN,
1st Lt. 9th Cavalry.
JNO. W. TWIGGS, JR.
THOS. R. BEASON.
JNO. W. CLARK,
Allotting Agent.
JOHN ROBERTS,
Missionary of the Protestant Episcopal Church to the Indians.

I certify that the Indians, Shoshones and Arapahoes, numbering two hundred and seventy-three (273) persons, who have signed the foregoing agreement, constitute a majority of all male Indians over eighteen (18) years of age, belonging on the Shoshone Reservation, Wyoming.

RICHARD H. WILSON,
Captain 8th Infty., Acting Ind. Agent.

Appropriation.

That for the purpose of making the payment stipulated for in the first paragraph of article three of the foregoing agreement, the same to be paid to the Indians belonging on the Shoshone Reservation per capita in cash, or expended for them by their agent in the purchase of stock cattle, as in said article provided, the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

[30 Stat., 97.]
One mile square granted to State of Wyoming.

That of the lands ceded, sold, relinquished, and conveyed to the United States by the foregoing agreement herein amended, and accepted, ratified, and confirmed, one mile square at and about the principal hot spring thereon contained, is hereby ceded, granted, relinquished, and conveyed unto the State of Wyoming; said mile square to be determined as follows: Commencing at a point one-fourth mile due east from said main spring, running thence one-half mile north, thence one mile west, thence one mile south, thence one mile east, thence one-half mile north to the point of beginning, and the remainder of the said lands ceded, sold, relinquished, and conveyed to the United States, by the agreement herein ratified and confirmed, are hereby declared to be public lands of the United States, subject to entry, however, only under the homestead and town-site laws of the United States.

Remainder to be public lands, etc.

Approved, June 7, 1897.

ACTS OF FIFTY-FIFTH CONGRESS—SECOND SESSION, 1898.

Jan. 13, 1898.

30 Stat., 227.

CHAP. 4.—An act to amend an act granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation, in Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of the Act entitled "An Act granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation, in the Territory of Arizona," approved February eighteenth, eighteen hundred and ninety-five, be, and the same is hereby, amended so that said section shall read as follows:

Gila Valley, Globe and Northern Ry. Co.
Ante, p. 582.
Time extended for construction of road through San Carlos Indian Reservation.

"SEC. 5. That the right herein granted shall be forfeited by said company unless the road be constructed through the said reservation on or before February eighteenth, nineten hundred."

Approved, January 13, 1898.

Feb. 14, 1898.

30 Stat., 241.

CHAP. 18.—An act authorizing the Muscogee Coal and Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Muscogee Coal and Railway Company, a corporation created under and by virtue of the laws of the Territory of Oklahoma, be, and the same is hereby, authorized, invested and empowered with the right of locating, constructing, owning, equipping, operating, using and maintaining a railway, telegraph and telephone line through the Indian and Oklahoma Territories, beginning at a point to be selected by said railway company at or near Red Fork, in the Creek Nation, Indian Territory, and running thence over the most practicable and feasible route, through the Creek Nation, Indian Territory, thence through the Territory of Oklahoma to Guthrie, in said Territory, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for: *Provided,* That nothing in this Act shall be so construed as to give said company any right to use or occupy the lands herein granted, except land belonging to the United States, without paying the owner thereof a reasonable and just compensation therefor.

Muscogee Coal and Railway Company may construct, etc., railway through Indian and Oklahoma Territories.
See note to 1899, ch. 817, ante, p. 821.

Route.

Proviso.

Compensation for land taken.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, for its main line, and for no other purpose, a right of way one hundred feet in width through said Indian Territory and Territory of Oklahoma, and to take and use a strip of land one hundred feet in width, with a length of two thousand feet, in addition to right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width on each side of said right of way, or as

Right of way.

Land for stations.

Proviso.
Limit.
Lands not to be sold by the company, etc.

much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided, further*, That no part of the lands herein authorized to be taken shall be sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians or individual Indian from which the same shall have been taken.

Compensation to occupants of land, etc.
Appraisal by referees.
Appointment of.
Failure to appoint, etc.
Hearings.
Compensation for services.
Witnesses.
Appeal.
Costs on appeal, etc.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, or, in case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the district judge of any United States court in the Indian Territory or the Territory of Oklahoma, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations and the courts of Oklahoma Territory. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making the award and notice of the same, to appeal by original petition to any district court in the Indian Territory or Oklahoma Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the cost shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway.

Freight rates.

SEC. 4. That said railway company shall not charge the inhabitants of said Territories a greater rate of freight than is charged by compet-

Proviso.
Passenger rates.
Limit.
Rates for mail.

ing roads operating in the same territory: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and of messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territories within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate, at all times, the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Payment to Secretary of the Interior for benefit of occupants of land taken, etc.
Proviso.
Dissent by Indians from allowance of compensation.
Amount awarded to be in lieu of compensation, etc.
Annual rental.
Additional taxes on railway for benefit of Indians.
Time of location, etc.
Map of road in Indian Territory to be filed, etc.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes or individuals through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this Act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said Territories, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section six of this Act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided, further*, That the amount awarded or adjudged to be paid by the said railway company for dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions, except as to annual tax. Said company shall also pay, so long as said Territories are owned and occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said Territories. The money paid to the Secretary of the Interior under the provisions of this Act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act: *Provided further*, That a map showing the entire line of the road in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the work of construction shall commence.

Filing of maps.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territories to be filed in the office of the

Proviso.

After filing, grading to be commenced, etc.

Secretary of the Interior, and also to be filed in the office of the principal chiefs of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Residence by company's officers on right of way, etc.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said railway shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Completion, etc., of road.

Fences, crossings, etc.

SEC. 8. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this Act, and complete the remainder thereof within three years thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Company forbidden to advise, etc., change of land tenure of Indians, etc.

Proviso.
Penalty.

SEC. 9. That the said Muscogee Coal and Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations or tribes any further grant of land or its occupancy than is hereinbefore provided for: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Record of mortgages.

SEC. 10. That all mortgages executed by said railway company, conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory and Oklahoma Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution and shall convey all rights and property of said company as therein expressed.

Amendment.

Assignment of right of way.

SEC. 11. That Congress may at any time amend, add to, alter, or repeal this Act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the railway except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, February 14, 1898.

Mar. 17, 1898.

30 Stat., 327.

CHAP. 71.—An act to extend the time for the construction of the railway of the Chicago, Rock Island and Pacific Railway Company through the Indian Territory.

Time extended for construction of Chicago, Rock Island and Pacific Railway.
Ante, p. 440.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the construction of that portion of the railway of the Chicago, Rock Island and Pacific Railway Company, a corporation organized and existing under and by virtue of the laws of the States of Illinois and Iowa, which said railway company, by virtue of an Act approved February twenty-seventh, eighteen hundred and ninety-three, entitled "An Act to grant to the Chicago, Rock Island and Pacific Railway Company right of way through the Indian Territory, and for other purposes," was authorized to construct, shall be extended for a period of three years from the first day of April, eighteen hundred and ninety-eight, and for such purposes said railway company shall have the right to take and occupy the right of way and depot grounds heretofore granted to it by said Act: *Provided*, That said company shall build at least fifty miles of its railway in said Territory within one year after the passage of this Act: *And provided further*, That the right of way granted for stations be limited in length to two thousand feet for each station.

Provisos. Construction within one year.

Stations.

Approved, March 17, 1898.

Mar. 23, 1898.

30 Stat., 341.

CHAP. 87.—An act to grant the right of way through the Indian Territory to the Denison, Bonham and New Orleans Railway Company for the purpose of constructing a railway, and for other purposes.

Denison, Bonham and New Orleans Railway Company granted right of way through Indian Territory. Amended, post, p. 664.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Denison, Bonham and New Orleans Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on Red River, near Denison, in Grayson County, in the State of Texas, and running thence by the most practicable route through the Indian Territory in a northerly direction to the southern boundary of the State of Kansas, at some point in the south line of Chautauqua County, in said State, with the right to construct, own and maintain, and operate a branch line of railway, beginning at a point not exceeding thirty-five miles north of Red River, on the main line, thence in a northwesterly direction to Fort Sill, in Oklahoma Territory, with the right to construct, use, and maintain such tracks, turn-outs, branches, sidings, and extensions as said company may deem it to their interest to construct.

—location.

Branch line.

—location.

Right of way.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone, and for no other purpose, a right of way one hundred feet in width through said Indian Territory, and to take and use a strip of land one hundred feet in width, with a length of two thousand feet, in addition to right of way, for stations for every ten miles of road, with the right to use such additional ground, where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding fifty feet in width on each side of the right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

—width.

Stations.

Provisos. Limit. Restricted use, etc.

Reversion.

Damages.

SEC. 3. That before said railway, telegraph, or telephone line shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken

Referees, appraisal by.
—appointment of.
—oath, etc.
—majority may act.

or damage done by reason of the construction of such railway, telegraph, or telephone line. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which said occupant belongs, or in case of an allottee, by said allottee, or by his duly authorized guardian or representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice.

—filling vacancies.
Hearings, etc.
Compensation of referees.
Witness fees.
Costs.
Appeal.
Costs of appeal.
Work may begin on depositing double award.

And upon the failure of either party to make such appointment within thirty days after the appointment made by the President of the United States the vacancy shall be filled by the district judge of any United States court in the Indian Territory, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars for each day they are engaged in the trial of any case submitted to them under this Act, with mileage at five cents per mile actually traveled. Witnesses shall receive the usual fees allowed by the United States courts in the Indian Territory. Costs, including compensation of the referees, shall be made a part of the award, and be paid by said railway company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the findings of the referees shall have the right, within ninety days after making of the award and notice of the same, to appeal by original petition to any district court in said Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition. If upon hearing said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the cost shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and to proceed with the construction of the railway.

Freight charges.
Provisos.
Passenger rates.
Regulation.

Sec. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate for freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or part thereof, shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights, within their respective limits, by said railway; but Congress expressly reserves the right to fix and regulate, at all times, the cost of such transportation by said railway or said company whenever such transportation shall extend from one State to another, or shall extend into more than one

Interstate, etc. transportation, limit.

Mails.

State or Territory: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And further provided*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

Provisos.
Appeal by general councils.

Award to be in lieu of compensation.

Annual rental.

Additional taxes.

Survey, etc.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to the compensation provided for in this Act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars, as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section six of this Act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right to appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by the said railway company to said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provisions. Said company shall also pay, so long as said Territory is owned and occupied by Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in said Territory. The money paid to the Secretary of the Interior under the provisions of this Act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railway as it may deem just and proper for their benefit; and any Territory or State hereafter formed, through which said railway shall have been established, may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

Maps to be filed.

Proviso.
Grading to begin on filing maps.

SEC. 6. That said company shall cause maps showing the route of its located lines in the Territory and through the Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chiefs of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or said location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before the construction of any such section shall be begun.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said railway shall be allowed to reside, when so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Construction. —completion. —forfeiture. Crossings, etc.

SEC. 8. That said railway company shall build at least fifty miles of its railway in said Territory within three years after the passage of this Act and complete the remainder thereof within three years thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over its railway wherever said roads do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 9. That the said Denison, Bonham and New Orleans Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that it will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian Nation any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Proviso. Violation to forfeit.

Record of mortgages.

SEC. 10. That all mortgages executed by such company, conveying any portion of its corporate property, railway, and franchises in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be notice and evidence of their execution, and shall convey all the rights, properties, and franchises of such company as therein expressed.

Amendment. Assignment, etc., of right of way.

SEC. 11. That Congress may at any time amend, add to, or alter this Act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the railway, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, March 23, 1898.

Mar. 26, 1898.

30 Stat., 344.

CHAP. 100.—An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago reservations, in the State of Nebraska, and for other purposes.

Omaha Northern Railway granted right of way across Omaha and Winnebago Indian reservations, Nebr.

See 1882, ch. 434, note ante, p. 212.

Width.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Omaha Northern Railway Company, a corporation organized and existing under and by virtue of the laws of the State of Nebraska, and its successors and assigns, the right of way for the construction of its proposed railroad through the Omaha and Winnebago Indian reservations in said State. Such right of way shall be fifty feet in width on each side of the center line of said railroad, except where such width shall be insufficient for the construction of said line of railroad, or the materials thereon shall be insufficient or objectionable for use in the construction of said railroad, the said company shall have the right to occupy, or to take from, any lands adjacent to the line of said railroad, any material, stones and earth necessary for the construction, maintenance or operation of said railroad; also grounds adjacent to such right of way, for station buildings, depots, machine shops, side tracks, turn-outs and water stations, not to exceed in amount one hundred feet in width and two thousand feet in length for each station, to the extent of two stations within the limits of said reservation.

Materials for construction.

Grounds for buildings.

Damages.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants, according to any treaties or laws of the United States, compensation shall be made to such occupant for all property to be taken or damage done by

Failure to settle, laws of Nebraska to apply.

reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant, the just compensation shall be determined as provided for by the laws of the State of Nebraska enacted for the settlement of like controversies in such cases. The amount of damage resulting to the Omaha and Winnebago tribes of Indians in their tribal capacity by reason of the construction of said railroad through such lands as are not occupied in severalty shall be ascertained and determined in such manner as the Secretary of the Interior shall direct, and be subject to his final approval; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon the actual survey for the definite location of such railroad, including grounds for station buildings, depots, machine shops, side tracks, turnouts, and water stations, shall have been approved and filed with the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservations to the provisions of this Act shall have been obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon such reservations for the purpose of surveying and locating its line of railroad: *Provided*, That such railroad shall be located, constructed, and operated with due regard to the rights of the Indians and the rules of the Secretary of the Interior: *Provided further*, That said railway shall construct and maintain continually all fences, roads and highways, crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same: *Provided further*, That said railway shall be constructed through said reservations within three years after the passage of this Act, or the rights herein granted shall be forfeited as to that portion of the road not constructed.

Filing of plats, etc.

Surveys, etc.

Provisos.
Restrictions on railway.

Crossings.

Construction.

Forfeiture.

Amendment.

No assignment of right of way.

SEC. 3. That Congress may at any time alter, amend, or repeal this Act; and the right of way hereby granted shall not be assigned or transferred in any form whatever, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, March 26, 1898.

Mar. 29, 1898.

30 Stat., 345.

CHAP. 102.—An act to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

Extension of time to Denison and Northern Railway for construction of road, Indian Territory.
Ante, p. 456.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section eight of the Act entitled "An Act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July thirtieth, eighteen hundred and ninety-two, be, and the same is hereby, extended for a further period of one year from the passage of this Act, together with all the rights granted and duties imposed thereby. All acts and parts of acts inconsistent with this Act are hereby repealed.

Repeal.

Approved, March 29, 1898.

Mar. 30, 1898.

30 Stat., 347.

CHAP. 104.—An act authorizing the Nebraska, Kansas and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Nebraska, Kansas and Gulf Railway may build, etc., railway line through Indian and Oklahoma Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Nebraska, Kansas and Gulf Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian and Oklahoma Territories, beginning at a point to be selected by said railway company along the south line of the county of Harper, State of Kansas, and running thence in a south and southeasterly direction, by way of Kingfisher, over the most practicable route, through the Indian Territory and the Territory of Oklahoma, to a point at or near Denison, State of Texas, thence to the city of Galveston, said State, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for. Location.

Right of way. —width. Land for stations. —additional. Proviso. Limit. Lands not to be leased; restricted use, etc. —reversion.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway and telegraph and telephone line, and for no other purpose, a right of way one hundred feet in width through the said Territories for the said Nebraska, Kansas and Gulf Railway Company, the same to be fifty feet on either side of the track of said railway from the center thereof, and, in addition to the above right of way, to take and use a strip of land one hundred feet in width, with a length of two thousand feet, for stations at such points as the said railway company may deem to their interest to erect, with the right to use such additional grounds, where there are heavy cuts or fills, as may be necessary for the construction and maintenance of the roadbed and track, not exceeding fifty feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians, or individual Indians, from which the same shall have been taken.

Damages. Referees. —appointment. —oath, etc. Hearings. Proviso. Place of hearings, etc.

SEC. 3. That before said railway and telegraph and telephone line shall be constructed through any lands held by individual occupants, according to the laws, usages, and customs of any of the Indian tribes or nations through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway and telegraph and telephone line. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the principal chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a judge or clerk of a United States court or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the judge of the United States court for the central district of the Indian Territory upon the application of the other party. A majority of said referees shall be competent to act in case of the absence of a member after due notice. The chairman of such board shall appoint the time and place for all hearings: *Provided*, That the hearings shall be within the county where the property is situated for which compensation is being assessed for the taking thereof or damages thereto, and at a place as convenient as may be for said occupant, unless the said

Compensation.
Witnesses.
—fees.
Costs.

occupant and said railway company agree to have the hearing at another place. Each of said referees shall receive for his services the sum of four dollars per day for each day he is engaged in assessing compensation, with mileage of five cents per mile for each mile necessarily traveled in the discharge of his duties. Said board of referees shall have power to call for and examine witnesses under oath, and said witnesses shall receive the usual fees allowed witnesses by the laws of the Territory or nation to which they belong. Costs, including compensation of the referees, shall be made a part of the award and be paid by the said railway company. In case the referees can not agree, then any two of them are authorized to make the award.

Appeal.
—to district court, Indian Territory.
Measure of damages.
—costs.
Work may begin on depositing double award.

SEC. 4. That either party being dissatisfied with the findings and award of the referees shall have the right, within sixty days after the filing of the award, as hereinbefore provided, and notice of the same, to appeal by original petition to the United States district court for the central district of the Indian Territory, sitting at the place nearest and most convenient to the land and property which is sought to be condemned, and said court shall then proceed, for determining the damage done to the property, in the same and like manner as other civil actions in the said court. The said court shall have jurisdiction to hear and determine the subject-matter of said petition, and the same shall be heard and determined by said court in accordance with the laws now in force or hereafter enacted for the government of said court; and the measure of damages in condemning property authorized by this Act shall be that prescribed by the laws of the State of Arkansas, in so far as the same are not inconsistent with the laws now in force or hereafter enacted for the government of the United States courts in said Territories in such cases. If the judgment of the court shall be for a larger sum than the award of the referees, the costs of the litigation shall be adjudged against the railway company; and if the judgment of the court shall be for the same as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings shall have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then shall have the right to enter upon the property sought to be condemned, and proceed with the construction of the railroad and telegraph and telephone line. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction.

Crossing the tracks of other roads.

SEC. 5. That said railway company is authorized, and hereby given the right, to connect or cross with its tracks the tracks and railroad of any other company or person owning or operating a railway in the said Territories. In case of failure to make amicable settlement with any such corporation or person for such crossing, such compensation shall be determined in the same manner as hereinbefore provided for determining the compensation for land and other property taken and damaged.

Freight charges.
Provisos.
Passenger rates.
—regulations.

SEC. 6. That said railway company shall not charge the inhabitants of said Territories a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territories within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their

—interstate transportation.
—maximum rates.
Mails.

respective limits of said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation.
Provisos.
Appeal by general councils of tribes, etc.
—ante, p. [illegible]
Award to be in lieu of compensation.
Annual rental.
Additional taxes.
Survey, etc.

SEC. 7. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars, in addition to the compensation provided for in this Act, for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territories, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location, as hereinafter set forth, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to said nations or tribes under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation shall be in lieu of the compensation that said nation would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territories are owned and occupied by the Indians, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said nation. The money paid to the Secretary of the Interior under the provisions of this Act shall be disbursed by him in accordance with the laws and treaties now in force with said nations or tribes: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations or tribes, to impose such additional taxes upon said railway as it may deem just and proper for the benefit of said nations or tribes; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

Maps to be filed.
Proviso.
Grading to begin on filing maps.

SEC. 8. That said company shall cause maps showing the route of its located lines through said Territories to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located. After the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for said company shall commence grading said located line within six months thereafter or such location shall be void; and said location shall be approved by the Secretary of the Interior, in sections of twenty-five miles, before the construction of any such section shall be begun.

Employees may reside on right of way.

SEC. 9. That the officers, servants, and employees of said company necessary to the construction and management of said railroad shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Construction.

—forfeiture of rights.

Crossings, etc.

SEC. 10. That said railway company shall build at least seventy-five miles of its railway in said nation within three years after the passage of this Act, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all roads and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

Proviso.
Violation to forfeit.

SEC. 11. That the said Nebraska, Kansas and Gulf Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the nations or tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Record of mortgages.

SEC. 12. That all mortgages, deeds of trust, and other conveyances executed by said railway company conveying any portion of its railroad, telegraph, and telephone lines, with its franchises, that may be constructed in said Territories shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment.

SEC. 13. That Congress may at any time amend, add to, alter, or repeal this Act.

Assignment of right of way, etc.

SEC. 14. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, March 30, 1898.

Apr. 11, 1898.
[30 Stat., 354.]

CHAP. 120.—An act extending the right of commutation to certain homestead settlers on lands in Oklahoma Territory, opened to settlement under the provisions of the act entitled "An act to ratify and confirm the agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect."

Public lands.
Commutation to settlers on ceded Kickapoo lands, Oklahoma.
See 1895, ch. 188, ante, p. 567.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of commutation is hereby extended to all bona fide homestead settlers on the lands in Oklahoma Territory, opened to settlement under the provisions of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect," approved March third, eighteen hundred and ninety-three, and the President's proclamation thereon, after fourteen months from the date of settlement, upon full payment for the lands at the price provided in said Act.

Approved, April 11, 1898.

May 7, 1898.
[30 Stat., 366.]

CHAP. 246.—An act to amend section nine of an act entitled "An act to grant to the Arkansas, Texas and Mexican Central Railway Company a right of way through the Indian Territory, and for other purposes."

Arkansas, Texas and Mexican Central Railway.
Ante, p. 529.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section nine of an Act approved August fourth, eighteen hundred and ninety-four, entitled "An Act to grant the Arkansas, Texas and Mexican Central Railway

Company a right of way through the Indian Territory, and for other purposes," be, and the same is hereby, amended by striking out the words "within three years after the passage of this Act," and substituting in lieu thereof the following:

Construction for each year.

Crossings.

Stations. Ante, p. 517.

"SEC. 9. That said railway company shall build not less than fifty miles of its railway in said Territory in each year after the passage of this Act. That said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now, or may hereafter, cross said railway's right of way, or may be by the proper authorities laid out across the same: *Provided also*, That the strip of land three thousand feet in length, granted in section two of said original Act, for stations along said line of railway, shall be limited to two thousand feet in length."

Approved, May 7, 1898.

May 14, 1898.

30 Stat., 407.

CHAP. 298.—An act authorizing the Campbell-Lynch Bridge Company to construct a bridge across the Arkansas River at or near Webbers Falls, Indian Territory.

Campbell-Lynch Bridge Company may bridge Arkansas River, Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Campbell-Lynch Bridge Company, a corporation organized under the laws of the State of Arkansas, its successors or assigns, to build, construct, and maintain a bridge and approaches thereto for the passage of wagons, cars, and vehicles of all kinds, for animals, horseback and foot passengers, across the Arkansas River at or near Webbers Falls, in said Cherokee Nation, Indian Territory, upon and from the land owned, claimed, and occupied by William W. Campbell and Susan F. Lynch, members and citizens of the Cherokee tribe of Indians, and the owners, claimants, and occupants of the land on both sides of the Arkansas River at the point where said bridge is to be built.

Maintenance, etc., of channel.

Provisos. Drawbridge.

Lights.

Post route.

Secretary of War to approve plans.

—changes.

SEC. 2. That said bridge shall be built with such length of spans and at such elevation as the Secretary of War may require, and the said company shall, at its own expense, build and maintain such dikes, wing dams, booms, and other work as may, in the opinion of the Secretary of War, be necessary to maintain the channel of the river within the draw or main span of the bridge: *Provided*, That if said bridge be built as a drawbridge it shall be opened promptly upon reasonable signal for the passage of boats and other water craft; and whatever kind of bridge is constructed the company shall maintain thereon, at its own expense, such lights and other signals as the Light-House Board may prescribe: *Provided also*, That said bridge shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for their transportation over the railroads or highways leading to said bridge, and the United States shall have the right of way for a postal telegraph across said bridge: *And provided further*, That the company availing itself of the privilege of this Act shall submit to the Secretary of War for his approval drawings showing the plan and location of the said bridge, and until he has approved the said plan and location the bridge shall not be commenced or built; and no change in the said plans, either before or after completion, shall be made without the consent of the Secretary of War, but any change whatever in said bridge that he may order in the interests of navigation, either during construction or after construction, shall be made by the owners thereof at their own cost and expense.

Right of way for highway.

SEC. 3. That said Campbell-Lynch Bridge Company, its successors and assigns, is hereby authorized to take and use for all purposes of a

Proviso.
—limitations.
—reversion.

highway or approaches to said bridge a right of way not exceeding one hundred feet in width on each side of the Arkansas River over the lands owned, occupied, and claimed by individuals under the laws and usages of the Cherokee Indians, or under the laws of the United States, and may contract for and obtain the same from such Indian or Indians by purchase: *Provided*, That no part of the lands herein authorized to be taken be leased or sold by the said Campbell-Lynch Bridge Company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said highway; and when any portion thereof shall cease to be used such portion shall revert to the individual Indian or Indians from which the same shall have been taken.

Compensation for land taken.
Referees.
—appointment.
—failure to appoint.
Hearings.
Costs.
Appeal.
Construction to proceed on payment of double the award, etc.

SEC. 4. That before said highway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of the Cherokee Nation, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such highway. In case of failure to make amicable settlements with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one, who shall act as chairman, by the President of the United States, one by the chief of the nation to which said occupant belongs, and one by the said Campbell-Lynch Bridge Company, who, before entering upon the duties of their appraisements, shall take and subscribe before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appraisement, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the United States court held at Muskogee, Indian Territory, upon the application of the other party. The chairman of said board shall appoint the time and place of all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day he is engaged in the trial of any cause submitted to him under this Act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the court of said nation. Costs, including compensation of said referees, shall be made a part of the award, and be paid by the said Campbell-Lynch Bridge Company. In case the referees do not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Arkansas, which court shall have jurisdiction to hear and determine the subject-matter of the petition, according to the laws of the State of Arkansas for determining the damage when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the said Campbell-Lynch Bridge Company. If the judgment of the court shall be for the same or a less sum than the award made by the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the said Campbell-Lynch Bridge Company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of said bridge.

Regulations.

Jurisdiction of controversies.

SEC. 5. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe. The jurisdiction is hereby vested in the United States court at Muskogee or Tahlequah, or in any United States court which may hereafter be established nearer to said bridge, over all controversies between the owners of said bridge, or between the owners and individuals, or between the members of any company which may hereafter be organized to own and operate said bridge, without regard to the race of the parties and the amount in controversy.

Tolls.

SEC. 6. That the said bridge company, its successors or assigns, may charge such reasonable rate of tolls for the transit or passage over the same of wagons and vehicles of every description, for animals and foot passengers as shall be approved by the Secretary of War.

Commencement and completion.

SEC. 7. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of its approval.

Amendment.

SEC. 8. That the right of Congress to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 14, 1898.

June 4, 1898.

30 Stat., 429.

CHAP. 376.—An act for the appointment of a commission to make allotments of lands in severalty to Indians upon the Uintah Indian Reservation in Utah, and to obtain the cession to the United States of all lands within said reservation not so allotted.

Uintah Indian Reservation, Utah.
Commission to allot lands to Indians.

See note to 1874, c. 136, ante, p. 151.

1894, ch. 290, ante p. 546.
Allotments.

See also note, 1888, c. 310, ante, p. 271.

Proviso.
Desirable sites.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and directed to appoint a commission consisting of not more than three persons, who shall, with the consent of the Indians properly residing on the Uintah Indian Reservation in Utah, allot in severalty to the said Indians, and to such of the Uncompahgre Indians as may not be able to obtain allotments within the Uncompahgre Indian Reservation, agricultural and grazing lands as follows: To each head of a family, one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section; to each single person over eighteen years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each orphan child under eighteen years of age, one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; to each other person under eighteen years of age born prior to such allotment, one-eighth of a section, with a like quantity of grazing land: *Provided*, That with the consent of said commission any adult Indian may select a less quantity of land, if more desirable on account of location.

Surveys.

All necessary surveys to enable said commission to complete the allotments shall be made under the direction of the General Land Office.

Cession to United States of unallotted lands.

—ratification, etc.

Provisos.
Payment.
Sale.

Aggregate amount from sales, etc.

SEC. 2. That said commission shall also obtain, by the consent of a majority of the adult male Indians properly residing upon and having an interest in the said Uintah Indian Reservation, the cession to the United States of all the lands within said reservation not allotted or needed for allotment as aforesaid. The agreement for such cession shall be reported by said commission and become operative when ratified by Act of Congress; and thereupon such ceded lands shall be held in trust by the United States for the purpose of sale to citizens thereof: *Provided*, That the United States shall pay no sum or amount whatever for said lands so ceded. Said lands shall be sold in such manner and in such quantities and for such prices as may be determined by Congress: *Provided*, That the amounts so received shall, in the aggregate be sufficient to pay said Indians in full the amount agreed upon for said lands. All sums received from the sales of said lands shall be placed in the Treasury of the United States for said Indians, and shall be exclusively devoted to the use and benefit of the Indians having interests in the lands so ceded.

Pay of commissioners.

—clerk.

Proviso.
Limit for expenses, etc.

SEC. 3. That said commissioners shall receive six dollars per day each, and their actual and necessary traveling and incidental expenses while on duty, and to be allowed a clerk to be selected by them, whose compensation shall be fixed by said commissioners, subject to the approval of the Secretary of the Interior: *Provided*, That the cost of executing the provisions of this Act shall not exceed the sum of five thousand dollars, which sum is hereby appropriated for that purpose, out of any moneys in the Treasury not otherwise appropriated.

Approved, June 4, 1898.

June 4, 1898.

30 Stat., 430.

CHAP. 377.—An act granting to the Washington Improvement and Development Company a right of way through the Colville Indian Reservation, in the State of Washington.

Washington Improvement and Development Company granted right of way through Colville Indian Reservation, Wash.

—location.

—branches, etc.

—width.

Materials for construction.

Ground for stations, etc.

—limit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Washington Improvement and Development Company, a corporation organized and existing under the laws of the State of Washington, and to its assigns, a right of way for its railway, telegraph, and telephone lines through the Colville Indian Reservation, in the State of Washington, beginning at a point on the Columbia River, near the mouth of the Sans Poil River; running thence in a northerly direction to a point in township thirty-seven north, of range thirty-two east, Willamette meridian; thence northerly to a point near the mouth of Curlew Creek; thence northerly to the international boundary line between British Columbia and the State of Washington; with the right to construct, use, and maintain such branches, spurs, switches, and side tracks as said company may deem necessary for the operation of said railway, together with all the rights granted to railroads by the Act of Congress entitled "An Act granting to railroads a right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five. Such right of way shall be fifty feet wide on each side of the center line of said railroad, and said company shall have the right to take from the lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also grounds adjacent to such right of way for station buildings and for necessary side tracks and switch tracks, not to exceed in amount two hundred feet in width and two thousand feet in length for each station, and to an extent not exceeding one station for each ten miles of road within the limits of said Colville Reservation.

Damages to Indian allottees.

SEC. 2. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to any Indian allottees whose lands may be taken by said company under this Act, and to provide the time and manner of payment thereof.

Maps of route.

Proviso.
Grading to commence on filing maps.

Approval of location.

SEC. 3. That said company shall cause maps showing the route of its located lines through said Colville Reservation to be filed in the office of the Secretary of the Interior; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed herein as provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void, and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before the construction of any such section shall be begun.

Surveys, etc.

SEC. 4. That said company is hereby authorized to enter upon said reservation for the purpose of surveying and locating its line of railroad.

Construction.

SEC. 5. That the right herein granted shall be forfeited by said company unless at least twenty-five miles of said railroad shall be constructed through the said reservation within two years after the passage of this Act.

Amendment.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this Act in whole or in part.

Approved, June 4, 1898.

June 7, 1898.
30 Stat., 433.

CHAP. 391.—An act to amend section eight of the act of Congress approved March second, eighteen hundred and ninety-six, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes.

Fort Smith and Western Coal Railroad.
Ante, p. 577.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of the Act of Congress approved March second, eighteen hundred and ninety-six, granting a right of way to the Fort Smith and Western Coal Railroad Company through the Indian Territory, and for other purposes, be, and the same is hereby, amended so as to read as follows:

Time extended to complete railway.

"SEC. 8. That said railway company shall build and complete its said railway on or before December thirty-first, nineteen hundred, or this grant shall be forfeited; that said railway company shall construct and maintain, continually, all road and highway crossings and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Approved, June 7, 1898.

June 18, 1898.
30 Stat., 475.

CHAP. 465.—An act granting to the Kettle River Valley Railway Company a right of way through the north half of the Colville Indian Reservation in the State of Washington.

Kettle River Valley Railway granted right of way across Colville Indian Reservation, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the Kettle River Valley Railway Company, a corporation organized under the laws of the State of Washington, a right of way for a railroad, to the extent of one hundred feet on each side of the center line thereof, across the said north half of the said Colville Indian Reservation, and also a right of way to the extent of one hundred feet on each side of the center line of any branches of said line, commencing at a point on the line of the Spokane Falls and Northern Railway, in Stevens County, Washington, crossing the Columbia River, and running thence westerly and northwesterly by the most feasible route through the north half of said reservation, said line or branches to connect at one or more points on the international boundary line with any road organized under the laws of the Dominion of Canada or Province of British Columbia, together with all the rights granted to railroads by the Act of Congress entitled "An Act granting to railroads a right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five. And for the purpose of this grant and the construction of said railway all the provisions of said Act are hereby declared to be applicable thereto to the same extent as though the lands in said reservation were open to settlement and sale.

Location.

Connections.

Rights on public lands.
18 Stat., 482.

Damages to property.

SEC. 2. That any damages or injuries occasioned to private property, whether the same be a vested or inchoate right to the property injured, whether the same belong to a white man or an Indian, shall be ascertained, and compensation made therefor in accordance with the laws of Washington relating to the exercise of eminent domain or the taking of private property for public use.

Approved, June 18, 1898.

June 27, 1898.

30 Stat., 492.

CHAP. 500.—An act to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chilocco Indian Reservation, Territory of Oklahoma, and for other purposes.

Kansas, Oklahoma, and Gulf Railway granted right of way through Chilocco Indian Reservation, Oklahoma.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way one hundred feet in width through the Chilocco Indian Reservation, in the Territory of Oklahoma, is hereby granted to the Kansas, Oklahoma and Gulf Railway Company, a railway corporation organized and existing under and by virtue of the laws of said Territory; and also is hereby granted to said company, where there are heavy cuts or fills, the right to use such additional grounds as may be necessary for the construction and maintenance of the roadbed, not exceding fifty feet in width on each side of the said right of way, or so much thereof as shall be included in the cuts or fills: *Provided*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway and telegraph and telephone lines, and when any portion thereof shall cease to be used for such purposes the same shall revert to the United States: *And provided further*, That a map of definite location, showing the entire route of said railway through the said Indian reservation, shall be filed with and approved by the Secretary of the Interior before any part of the said railway shall be constructed through or into said reservation.

Provisos.
Restriction on use of land; reversion.

Filing of map of definite location.

—approval of.

Approved, June 27, 1898.

June 27, 1898.

30 Stat., 493.

CHAP. 502.—An act to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad.

Preamble.

Whereas the Missouri, Kansas and Texas Railway Company, heretofore, under and pursuant to authority conferred upon it by an act of Congress of the United States, built and constructed its line of railroad through the Indian Territory and through the Creek and Choctaw nations, and pursuant to said Congressional authority, as a part of its said line of railroad, many years since, at great expense, built and constructed a railroad bridge across the South Canadian River; and

Whereas the said South Canadian River, at the point it is crossed by said railroad bridge, and for a long distance on both sides, forms the established boundary line between the said Creek and Choctaw nations; and

Whereas recently unprecedented floods occurred in the South Canadian Valley, resulting in that river overflowing its banks at many points and flooding the contiguous territory and also resulting in the diversion of that river from its old channel at the point it was so bridged by the Missouri, Kansas and Texas Railway Company and for some distance above and below, and the formation of a new course some distance to the north of said bridge, washing away the railroad and railroad bed for a distance of about two miles, seriously interrupting and impeding the transportation of the mails, troops, munitions of war, and interstate commerce generally; and

Whereas it is important that the course of said river be restored to the old channel at and below the bridge of said Missouri, Kansas and Texas Railway Company, and so established immediately above said bridge as to prevent as far as practicable any further shiftings of the channel of the river and breaking of the railway embankments and overflows of adjoining farm lands, and make possible the continued and uninterrupted use of said railroad and said railroad bridge: Therefore,

Missouri, Kansas and Texas Railroad may restore South Canadian River to its original channel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said Missouri, Kansas and Texas Railway Company be, and it is hereby, authorized, at its sole expense, to restore the said river to its original channel, under

—location.

and below said railroad bridge, and to that end to straighten and shorten the river above said bridge by excavating and constructing a channel for the river, commencing at said bridge and extending thence across sections twenty-eight and twenty-nine of township nine north, of range fifteen east, to the South Canadian River, at or near the northwest corner of said section twenty-nine, and for that purpose the said railway company is authorized to enter upon lands adjacent to said railroad.

Damages to Indian occupants.

—appointment of commission to appraise.

—award.

—exceptions to, etc.

SEC. 2. That before said channel shall be excavated and constructed through any lands held by individual occupants according to the laws, customs, and usages of the Creek and Choctaw nations, full compensation shall be made to such occupants for all property to be taken or damaged by reason of the construction of said channel. In case of failure to make amicable settlements with any occupant, the railway company may file its petition in the United States court in the Indian Territory for the district in which the lands lie, reciting its failure to make such amicable settlement, and thereupon said court shall appoint a commission of three disinterested persons, having the qualifications of jurors in said court, to view the premises and appraise the damages to be sustained by such occupant, who, before entering upon their duties, shall take and subscribe before said courts or the clerk thereof an oath that they will faithfully and impartially discharge the duties imposed by their appointment, which oath, duly certified, shall be returned with their award. The award of a majority of said commissioners shall be the award of the commission, and such award shall be filed within ten days after the appointment of said commission. Either party being dissatisfied with the award may file exceptions in said court thereto within ten days from the filing of the same, and a trial of the issues raised by such exceptions shall be had in said court as in other cases. If neither party files exceptions the railway company shall pay into court, before entering upon the land condemned, the amount of said award, together with all costs, assessed as in ordinary cases in said court: *Provided*, That said commissioners shall be allowed and paid four dollars per day, with mileage at five cents per mile. If either party files exceptions, then the railway company shall pay into court double the amount of the award to abide the judgment thereof, and may at once proceed with the construction of said channel.

Proviso.
—commissioner's compensation, etc.
—work to commence on deposit to abide judgment.

Boundary line between Creek and Choctaw nations to remain unchanged.

SEC. 3. That the boundary line between the Creek and Choctaw nations shall be and remain unchanged by reason of the work hereinbefore authorized to be done by said railway company.

Railroad's right to river not enlarged.

SEC. 4. That the Missouri, Kansas and Texas Railway Company by such condemnation proceedings and the construction of said channel, and the diversion of the river through same, shall have no other or further rights in and to said river than it now has.

Approved, June 27, 1898.

June 28, 1898.

30 Stat., 495.
Indian Territory.

CHAP. 517.—An act for the protection of the people of the Indian Territory, and for other purposes.

Protection of people.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

[NOTE.—*The first twenty-eight sections of this act contain general legislation relating to the government of the Indian Territory. (See ante, p. 100).*]

[30 Stat., 505.]
Agreement with Choctaw and Chickasaw tribes of Indians.

SEC. 29. That the agreement made by the Commission to the Five Civilized Tribes with commissions representing the Choctaw and Chickasaw tribes of Indians on the twenty-third day of April, eighteen hundred and ninety-seven, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified

—to be voted on; proclamation.

Provisos. Ineligible to vote.

Board to canvass and count votes.

—act not to conflict with agreement.

before the first day of December, eighteen hundred and ninety-eight, by a majority of the whole number of votes cast by the members of said tribes at an election held for that purpose; and the executives of said tribes are hereby authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, or at any special election to be called by such executives for the purpose of voting on said agreement; and at the election held for such purpose all male members of each of said tribes qualified to vote under his tribal laws shall have the right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not: *Provided*, That no person whose right to citizenship in either of said tribes or nations is now contested in original or appellate proceedings before any United States court shall be permitted to vote at said election: *Provided further*, That the votes cast in both said tribes or nations shall be forthwith returned duly certified by the precinct officers to the national secretaries of said tribes or nations, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and national secretary of the Choctaw Nation, the governor and national secretary of the Chickasaw Nation, and a member of the Commission to the Five Civilized Tribes, to be designated by the chairman of said commission; and said board shall meet without delay at Atoka, in the Indian Territory, and canvass and count said votes and make proclamation of the result; and if said agreement as amended be so ratified, the provisions of this Act shall then only apply to said tribes where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section fourteen of this Act, which said amended agreement is as follows:

This agreement, by and between the Government of the United States, of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, and Alexander B. Montgomery, duly appointed and authorized thereunto, and the governments of the Choctaw and Chickasaw tribes or nations of Indians in the Indian Territory, respectively, of the second part, entered into in behalf of such Choctaw and Chickasaw governments, duly appointed and authorized thereunto, viz: Green McCurtain, J. S. Standley, N. B. Ainsworth, Ben Hampton, Wesley Anderson, Amos Henry, D. C. Garland, and A. S. Williams, in behalf of the Choctaw Tribe or Nation, and R. M. Harris, I. O. Lewis, Holmes Colbert, P. S. Mosely, M. V. Cheadle, R. L. Murray, William Perry, A. H. Colbert, and R. L. Boyd, in behalf of the Chickasaw Tribe or Nation.

ALLOTMENT OF LANDS.

Allotment of lands.

Witnesseth, That in consideration of the mutual undertakings, herein contained, it is agreed as follows:

[30 Stat., 506.]

That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands.

Reservations from allotment.

That all the lands set apart for town sites, and the strip of land lying between the city of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, extending up said river to the mouth of Mill Creek; and six hundred and forty acres each, to include the buildings now occupied by the Jones Academy, Tushkahoma Female Seminary, Wheelock Orphan Seminary, and Armstrong Orphan Academy, and ten acres for the capitol building of the Choctaw Nation; one hundred and sixty acres each, immediately contiguous to and including the buildings known as Bloomfield Academy, Lebanon Orphan Home, Harley Institute, Rock Academy, and Collins Institute, and five acres for the capitol building in the Chickasaw Nation, and the use of one acre of land for each church house now erected outside of the towns, and eighty acres of land each for J. S. Murrow, H. R. Schermerhorn, and the widow of R. S. Bell, who have been laboring as missionaries in the Choctaw and Chickasaw nations since the year eighteen hundred and sixty-six, with the same conditions and limitations as apply to lands allotted to the members of the Choctaw and Chickasaw nations, and to be located on lands not occupied by a Choctaw or a Chickasaw, and a reasonable amount of land, to be determined by the town-site commission, to include all court-houses and jails and other public buildings not hereinbefore provided for, shall be exempted from division. And all coal and asphalt in or under the lands allotted and reserved from allotment shall be reserved for the sole use of the members of the Choctaw and Chickasaw tribes, exclusive of freedmen: *Provided*, That where any coal or asphalt is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land by the lessee or party operating the same, before operations begin. That in order to such equal division, the lands of the Choctaws and Chickasaws shall be graded and appraised so as to give to each member, so far as possible, an equal value of the land: *Provided further*, That the Commission to the Five Civilized Tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in eighteen hundred and sixty-six between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty, and forty acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined, in such manner as shall hereafter be provided by act of Congress.

—coal and asphalt reserved.

Proviso.
Payment to allottee for damages done by mining operations, etc.

Grading and appraisal of lands.

Chickasaw freedmen, roll of; temporary allotment.
Vol. 2, p. 918.

Allotments to freedmen; deduction, etc.

That the lands allotted to the Choctaw and Chickasaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw and Chickasaw tribe so as to reduce the allotment to the Choctaws and Chickasaws by the value of the same.

That the said Choctaw and Chickasaw freedmen who may be entitled to allotments of forty acres each shall be entitled each to land equal in value to forty acres of the average land of the two nations.

Indians to be represented in appraisal.

That in the appraisement of the lands to be allotted the Choctaw and Chickasaw tribes shall each have a representative, to be appointed by their respective executives, to cooperate with the commission to the Five Civilized Tribes, or any one making appraisements under the direction of the Secretary of the Interior in grading and appraising the lands preparatory to allotment. And the land shall be valued in the appraisement as if in its original condition, excluding the improvements thereon.

—Secretary of the Interior to direct.

That the appraisement and allotment shall be made under the direction of the Secretary of the Interior, and shall begin as soon as the progress of the surveys, now being made by the United States Government, will admit.

[30 Stat., 507.]
Selection of allotments.
—by Indians owning improvements.
—minors.

That each member of the Choctaw and Chickasaw tribes, including Choctaw and Chickasaw freedmen, shall, where it is possible, have the right to take his allotment on land, the improvements on which belong to him, and such improvements shall not be estimated in the value of his allotment. In the case of minor children, allotments shall be selected for them by their father, mother, guardian, or the administrator having charge of their estate, preference being given in the order

—prisoners, etc.

named, and shall ot be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, and due care taken that all persons entitled thereto have allotments made to them.

Allotments not taxable.
—limit of time.
Selection of homestead.
—for minors.
Lands alienable.

All the lands allotted shall be nontaxable while the title remains in the original allottee, but not to exceed twenty-one years from date of patent, and each allottee shall select from his allotment a homestead of one hundred and sixty acres, for which he shall have a separate patent, and which shall be inalienable for twenty-one years from date of patent. This provision shall also apply to the Choctaw and Chickasaw freedman to the extent of his allotment. Selections for homesteads for minors to be made as provided herein in case of allotment, and the remainder of the lands allotted to said members shall be alienable for a price to be actually paid, and to include no former indebtedness or obligation—one-fourth of said remainder in one year, one-fourth in three years, and the balance of said alienable lands in five years from the date of the patent.

Sale, etc., of allotments void.
—how leased.

That all contracts looking to the sale or incumbrance in any way of the land of an allottee, except the sale hereinbefore provided, shall be null and void. No allottee shall lease his allotment, or any portion thereof, for a longer period than five years, and then without the privilege of renewal. Every lease which is not evidenced by writing, setting out specifically the terms thereof, or which is not recorded in the clerk's office of the United States court for the district in which the land is located, within three months after the date of its execution, shall be void, and the purchaser or lessee shall acquire no rights whatever by an entry or holding thereunder. And no such lease or any sale shall be valid as against the allottee unless providing to him a reasonable compensation for the lands sold or leased.

Controversies as to rights to certain allotments.

That all controversies arising between the members of said tribes as to their right to have certain lands allotted to them shall be settled by the commission making the allotments.

Possession.

That the United States shall put each allottee in possession of his allotment and remove all persons therefrom objectionable to the allottee.

Surveys, etc.

That the United States shall survey and definitely mark and locate the ninety-eighth (98th) meridian of west longitude between Red and Canadian rivers before allotment of the lands herein provided for shall begin.

Members' titles to lands.

MEMBERS' TITLES TO LANDS.

Patents to allottees.
—terms, etc.
—acceptance of patent.
[30 Stat., 508.]

That as soon as practicable, after the completion of said allotments, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall jointly execute, under their hands and the seals of the respective nations, and deliver to each of the said allottees patents conveying to him all the right, title, and interest of the Choctaws and Chickasaws in and to the land which shall have been allotted to him in conformity with the requirements of this agreement, excepting all coal and asphalt in or under said land. Said patents shall be framed in accordance with the provisions of this agreement, and shall embrace the land allotted to such patentee and no other land, and the acceptance of his patents by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the lands of the Choctaws and Chickasaws in accordance with the provisions of this agreement, and as a relinquishment of all his right, title, and interest in and to any and all parts thereof, except the land embraced in said patents, except also his interest in the proceeds of all lands, coal, and asphalt herein excepted from allotment.

Records of land titles.

That the United States shall provide by law for proper records of land titles in the territory occupied by the Choctaw and Chickasaw tribes.

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U. S. Laws, statutes, etc. INDIAN AFFAIRS. Laws and Treaties. Washington, Govt. Print. Off., 1904. 2v.

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Railroads.

RAILROADS.

The rights of way for railroads through the Choctaw and Chickasaw nations to be surveyed and set apart and platted to conform to the respective acts of Congress granting the same in cases where said rights of way are defined by such acts of Congress, but in cases where the acts of Congress do not define the same then Congress is memorialized to definitely fix the width of said rights of way for station grounds and between stations, so that railroads now constructed through said nations shall have, as near as possible, uniform rights of way; and Congress is also requested to fix uniform rates of fare and freight for all railroads through the Choctaw and Chickasaw nations; branch railroads now constructed and not built according to acts of Congress to pay the same rates for rights of way and station grounds as main lines.

Town sites.

TOWN SITES.

Commission to lay out.
1900 c. 598 ante, p. 106.
Plats.
Appraisal of improved lots.
Purchase by owner of improvements.

It is further agreed that there shall be appointed a commission for each of the two nations. Each commission shall consist of one member, to be appointed by the executive of the tribe for which said commission is to act, who shall not be interested in town property other than his home, and one to be appointed by the President of the United States. Each of said commissions shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located in the nation for which said commission is appointed. Said commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, and one with the principal chief or governor of the nation in which the town is located, and one with the Secretary of the Interior, be approved by him before the same shall take effect. When said towns are so laid out, each lot on which permanent, substantial, and valuable improvements, other than fences, tillage, and temporary houses, have been made, shall be valued by the commission provided for the nation in which the town is located at the price a fee-simple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon. The owner of the improvements on each lot shall have the right to buy one residence and one business lot at fifty per centum of the appraised value of such improved property, and the remainder of such improved property at sixty-two and one-half per centum of the said market value within sixty days from date of notice served on him that such lot is for sale, and if he purchases the same he shall, within ten days from his purchase, pay into the Treasury of the United States one-fourth of the purchase price, and the balance in three equal annual installments, and when the entire sum is paid shall be entitled to a patent for the same. In case the two members of the commission fail to agree as to the market value of any lot, or the limit or extent of said town, either of said commissioners may report any such disagreement to the judge of the district in which such town is located, who shall appoint a third member to act with said commission, who is not interested in town lots, who shall act with them to determine said value.

—failure to purchase, sale of.

If such owner of the improvements on any lot fails within sixty days to purchase and make the first payment on same, such lot, with the improvements thereon, shall be sold at public auction to the highest bidder, under the direction of the aforesaid commission, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot shall be sold, less sixty-two and one-half per cent of said appraised value of the lot, and shall pay the sixty-two and one-half per cent of said appraised value into United States Treasury,

[30 Stat., 509.]

under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. The commission shall have the right to reject any bid on such lot which they consider below its value.

Sale of unappraised lots.

All lots not so appraised shall be sold from time to time at public auction (after proper advertisement) by the commission for the nation in which the town is located, as may seem for the best interest of the nations and the proper development of each town, the purchase price to be paid in four installments as hereinbefore provided for improved lots. The commission shall have the right to reject any bid for such lots which they consider below its value.

Payments.

All the payments herein provided for shall be made under the direction of the Secretary of the Interior into the United States Treasury, a failure of sixty days to make any one payment to be a forfeiture of all payments made and all rights under the contract: *Provided*, That the purchaser of any lot shall have the option of paying the entire price of the lot before the same is due.

Proviso. —before due.

Taxes.

No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold, as herein provided, shall constitute a lien on same till the purchase price thereof has been fully paid to the nation.

Disposition of proceeds of sale of town lots.

The money paid into the United States Treasury for the sale of all town lots shall be for the benefit of the members of the Choctaw and Chickasaw tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member of the two tribes to receive an equal portion thereof.

Conflicting laws, etc.

That no law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the laws of the United States in force in said Territory, and all persons in such towns shall be subject to said laws, and the United States agrees to maintain strict laws in the territory of the Choctaw and Chickasaw tribes against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

Intoxicants.

Cemeteries, location of, etc.

That said commission shall be authorized to locate, within a suitable distance from each town site, not to exceed five acres to be used as a cemetery, and when any town has paid into the United States Treasury, to be part of the fund arising from the sale of town lots, ten dollars per acre therefor, such town shall be entitled to a patent for the same as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes, the proceeds derived from such sales to be applied by the town government to the proper improvement and care of said cemetery.

Expenses of surveying, etc.

That no charge or claim shall be made against the Choctaw or Chickasaw tribes by the United States for the expenses of surveying and platting the lands and town sites, or for grading, appraising, and allotting the lands, or for appraising and disposing of the town lots as herein provided.

Disposition of lands excepted from allotment.

That the land adjacent to Fort Smith and lands for court-houses, jails, and other public purposes, excepted from allotment shall be disposed of in the same manner and for the same purposes as provided for town lots herein, but not till the Choctaw and Chickasaw councils shall direct such disposition to be made thereof, and said land adjacent thereto shall be placed under the jurisdiction of the city of Fort Smith, Arkansas, for police purposes.

Exemption of church lands.

There shall be set apart and exempted from appraisement and sale in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed fifty feet front and one hundred feet deep for each church or parsonage: *Provided*, That such lots shall only be used for churches and parsonages, and when they ceased to be used shall

Proviso. —limitations.

—sale by churches.

revert to the members of the tribes to be disposed of as other town lots: *Provided further*, That these lots may be sold by the churches for which they are set apart if the purchase money therefor is invested in other lot or lots in the same town, to be used for the same purpose and with the same conditions and limitations.

Coal and asphalt, property in.

—revenues for education.

—trustees to supervise mines.

It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nation shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole; and no patent provided for in this agreement shall convey any title thereto. The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. Such coal and asphalt mines as are now in operation, and all others which may hereafter be leased and operated, shall be under the supervision and control of two trustees, who shall be appointed by the President of the United States, one on the recommendation of the Principal Chief of the Choctaw Nation, who shall be a Choctaw by blood, whose term shall be for four years, and one on the recommendation of the Governor of the Chickasaw Nation, who shall be a Chickasaw by blood, whose term shall be for two years; after which the term of appointees shall be four years. Said trustees, or either of them, may, at any time, be removed by the President of the United States for good cause shown. They shall each give bond for the faithful performance of their duties, under such rules as may be prescribed by the Secretary of the Interior. Their salaries shall be fixed and paid by their respective nations, each of whom shall make full report of all his acts to the Secretary of the Interior quarterly. All such acts shall be subject to the approval of said Secretary.

—report, etc.

Royalties payable into the Treasury, etc.

All coal and asphalt mines in the two nations, whether now developed, or to be hereafter developed, shall be operated, and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Confirmation of former contracts for operating.

All contracts made by the National Agents of the Choctaw and Chickasaw Nations for operating coal and asphalt, with any person or corporation, which were, on April twenty-third, eighteen hundred and ninety-seven, being operated in good faith are hereby ratified and confirmed, and the lessee shall have the right to renew the same when they expire, subject to all the provisions of this Act.

Avoidance of agreements with Indians individually for right to operate.

Proviso.
Leaseholds sanctioned by Congress unimpaired.

All agreements heretofore made by any person or corporation with any member or members of the Choctaw or Chickasaw nations, the object of which was to obtain such member or members' permission to operate coal or asphalt, are hereby declared void: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interests shall continue unimpaired hereby and shall be assured by new leases from such trustees of coal or asphalt claims described therein, by application to the trustees within six months after the ratification of this agreement, subject, however, to payment of advance royalties herein provided for.

Leases, extent of, etc.

Royalty on coal.

—asphalt.

Proviso.
Reduction, etc., royalties, etc.

All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be, in or under nine hundred and sixty acres, which shall be in a square as nearly as possible, and shall be for thirty years. The royalty on coal shall be fifteen cents per ton of two thousand pounds on all coal mined, payable on the 25th day of the month next succeeding that in which it is mined. Royalty on asphalt shall be sixty cents per ton, payable same as coal: *Provided*, That the Secretary of the Interior may reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so. No royalties shall be paid except into the United States Treasury as herein provided.

Advance annual royalty on claim.

All lessees shall pay on each coal or asphalt claim at the rate of one hundred dollars per annum, in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years; and five hundred dollars for each succeeding year thereafter. All such payments shall be treated as advanced royalty on the mine or claim on which they are made, and shall be a credit as royalty when each said mine is developed and operated, and its production is in excess of such guaranteed annual advance payments, and all persons having coal leases must pay said annual advanced payments on each claim whether developed or undeveloped: *Provided, however*, That should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance thereon shall then become and be the money and property of the Choctaw and Chickasaw nations.

Proviso.
—failure to pay.

Surface, what included.

In surface, the use of which is reserved to present coal operators, shall be included such lots in towns as are occupied by lessees' houses—either occupied by said lessees' employees, or as offices or warehouses: *Provided, however*, That in those town sites designated and laid out under the provision of this agreement where coal leases are now being operated and coal is being mined, there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the town-site board of appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines, and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then and in that event the lots of land so reserved shall be disposed of by the coal trustees for the benefit of the Choctaw and Chickasaw tribes.

Proviso.
Reservation of land for coal miners' homes on town sites.

—buildings, etc.

—sale of on cessation of mining.

School taxes, etc.

That whenever the members of the Choctaw and Chickasaw tribes shall be required to pay taxes for the support of schools, then the fund arising from such royalties shall be disposed of for the equal benefit of their members (freedmen excepted) in such manner as the tribes may direct.

Jurisdiction of United States courts.

It is further agreed that the United States courts now existing, or that may hereafter be created, in the Indian Territory shall have exclusive jurisdiction of all controversies growing out of the titles, ownership, occupation, possession, or use of real estate, coal, and asphalt in the territory occupied by the Choctaw and Chickasaw tribes; and of all persons charged with homicide, embezzlement, bribery, and embracery, breaches, or disturbances of the peace, and carrying weapons, hereafter committed in the territory of said tribes, without reference to race or citizenship of the person or persons charged with such crime; and any citizen or officer of the Choctaw or Chickasaw nations charged with such crime shall be tried, and, if convicted, punished as though he were a citizen or officer of the United States.

"Embezzlement."

"Bribery and embracery.

"Officer," defined.

Ante, p. 43.

And sections sixteen hundred and thirty-six to sixteen hundred and forty-four, inclusive, entitled "Embezzlement," and sections seventeen hundred and eleven to seventeen hundred and eighteen, inclusive, entitled "Bribery and Embracery," of Mansfield's Digest of the laws of Arkansas, are hereby extended over and put in force in the Choctaw and Chickasaw nations; and the word "officer," where the same appears in said laws, shall include all officers of the Choctaw and Chickasaw governments; and the fifteenth section of the Act of Congress, entitled "An Act to establish United States courts in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine, limiting jurors to citizens of the United States, shall be

Indians competent as jurors.

Proviso.
Indians indicted for murder, change of venue.

Equity powers United States courts.

Tribe to be made party where interested, etc.

held not to apply to United States courts in the Indian Territory held within the limits of the Choctaw and Chickasaw nations; and all members of the Choctaw and Chickasaw tribes, otherwise qualified, shall be competent jurors in said courts: *Provided*, That whenever a member of the Choctaw and Chickasaw nations is indicted for homicide, he may, within thirty days after such indictment and his arrest thereon, and before the same is reached for trial, file with the clerk of the court in which he is indicted, his affidavit that he can not get a fair trial in said court; and it thereupon shall be the duty of the judge of said court to order a change of venue in such case to the United States district court for the western district of Arkansas, at Fort Smith, Arkansas, or to the United States district court for the eastern district of Texas, at Paris, Texas, always selecting the court that in his judgment is nearest or most convenient to the place where the crime charged in the indictment is supposed to have been committed, which courts shall have jurisdiction to try the case; and in all said civil suits said courts shall have full equity powers; and whenever it shall appear to said court, at any stage in the hearing of any case, that the tribe is in any way interested in the subject-matter in controversy, it shall have power to summon in said tribe and make the same a party to the suit and proceed therein in all respects as if such tribe were an original party thereto; but in no case shall suit be instituted against the tribal government without its consent.

Acts, ordinances etc., to be approved by the President.

—publication.

It is further agreed that no act, ordinance, or resolution of the council of either the Choctaw or Chickasaw tribes, in any manner affecting the land of the tribe, or of the individuals, after allotment, or the moneys or other property of the tribe or citizens thereof (except appropriations for the regular and necessary expenses of the government of the respective tribes), or the rights of any persons to employ any kind of labor, or the rights of any persons who have taken or may take the oath of allegiance to the United States, shall be of any validity until approved by the President of the United States. When such acts, ordinances, or resolutions passed by the council of either of said tribes shall be approved by the governor thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within thirty days after their reception, approve or disapprove the same. Said acts, ordinances, or resolutions, when so approved, shall be published in at least two newspapers having a bona fide circulation in the tribe to be affected thereby, and when disapproved shall be returned to the tribe enacting the same.

Duration of agreement.

—intent.

It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the fourth day of March, eighteen hundred and ninety-eight. This stipulation is made in the belief that the tribal government so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting said tribes.

Per capita payments to be made to Indians individually.

That all per capita payments hereafter made to the members of the Choctaw or Chickasaw nations shall be paid directly to each individual member by a bonded officer of the United States, under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to said Secretary.

That the following sum be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for fulfilling treaty stipulations with the Chickasaw Nation of Indians, namely:

Appropriation for arrears of interest under treaty.

Vol. 2, p. 596.

For arrears of interest, at five per centum per annum, from December thirty-first, eighteen hundred and forty, to June thirtieth, eighteen hundred and eighty-nine, on one hundred and eighty-four thousand one hundred and forty-three dollars and nine cents of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States prior to December thirty-first, eighteen hundred and forty, and restored December twenty-seventh, eighteen hundred and eighty-seven, by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two, and for arrears of interest at five per centum per annum, from March eleventh, eighteen hundred and fifty, to March third, eighteen hundred and ninety, on fifty-six thousand and twenty-one dollars and forty-nine cents of the trust fund of the Chickasaw Nation erroneously dropped from the books of the United States March eleventh, eighteen hundred and fifty, and restored December twenty-seventh, eighteen hundred and eighty-seven, by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two, five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents, to be placed to the credit of the Chickasaw Nation with the fund to which it properly belongs: *Provided*, That if there be any attorneys' fees to be paid out of same, on contract heretofore made and duly approved by the Secretary of the Interior, the same is authorized to be paid by him.

Proviso.

Attorneys' fees.

Decision in pending case against United States and Wichita Indians to be basis of settlement for "Leased District" lands.

Vol. 2, p. 709.

It is further agreed that the final decision of the courts of the United States in the case of the Choctaw Nation and the Chickasaw Nation against the United States and the Wichita and affiliated bands of Indians, now pending, when made, shall be conclusive as the basis of settlement as between the United States and said Choctaw and Chickasaw nations for the remaining lands in what is known as the "Leased District," namely, the land lying between the ninety-eighth and one hundredth degrees of west longitude and between the Red and Canadian rivers, leased to the United States by the treaty of eighteen hundred and fifty-five, except that portion called the Cheyenne and Arapahoe country, heretofore acquired by the United States, and all final judgments rendered against said nations in any of the courts of the United States in favor of the United States or any citizen thereof shall first be paid out of any sum hereafter found due said Indians for any interest they may have in the so-called leased district.

Per capita payment of tribal trust funds.

It is further agreed that all of the funds invested, in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done, and be appropriated and paid, by some officer of the United States appointed for the purpose, to the Choctaws and Chickasaws (freedmen excepted) per capita, to aid and assist them in improving their homes and lands.

Acquisition of United States citizenship.

It is further agreed that the Choctaws and Chickasaws, when their tribal governments cease, shall become possessed of all the rights and privileges of citizens of the United States.

Orphan lands.

ORPHAN LANDS.

—to be acquired by the United States.

It is further agreed that the Choctaw orphan lands in the State of Mississippi, yet unsold, shall be taken by the United States at one dollar and twenty-five cents ($1.25) per acre, and the proceeds placed to the credit of the Choctaw orphan fund in the Treasury of the United States, the number of acres to be determined by the General Land Office

In witness whereof the said commissioners do hereunto affix their names at Atoka, Indian Territory, this the twenty-third day of April, eighteen hundred and ninety-seven."[a]

GREEN MCCURTAIN,
Principal Chief.
J. S. STANDLEY,
N. B. AINSWORTH,
BEN HAMPTON,
WESLEY ANDERSON,
AMOS HENRY,
D. C. GARLAND,
Choctaw Commission.

R. M. HARRIS,
Governor.
ISAAC O. LEWIS,
HOLMES COLBERT,
ROBERT L. MURRAY,
WILLIAM PERRY,
R. L. BOYD,
Chickasaw Commission.

FRANK C. ARMSTRONG,
Acting Chairman.
ARCHIBALD S. MCKENNON,
THOMAS A. CABANISS,
ALEXANDER B. MONTGOMERY,
Commission to the Five Civilized Tribes.
H. M. JACOWAY, JR.,
Secretary, Five Tribes Commission.

Agreement with Muskogee or Creek tribe of Indians.

See note to 1889, ch. 317, ante, p. 321.

SEC. 30. That the agreement made by the Commission to the Five Civilized Tribes with the commission representing the Muscogee (or Creek) tribe of Indians on the twenty-seventh day of September, eighteen hundred and ninety-seven, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the first day of December, eighteen hundred and ninety-eight, by a majority of the votes cast by the members of said tribe at an election to be held for that purpose; and the executive of said tribe is authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, to be called by such executive for the purpose of voting on said agreement; and if said agreement as amended be so ratified, the provisions of this Act shall then only apply to said tribe where the same do not conflict with the

Act not to conflict with agreement.

(a) Prior legislation relative to the Choctaw Nation is as follows:

Jurisdiction over certain claims has been conferred upon the Court of Claims by the acts of March 3, 1881 (ante, p. 193; see also July 4, 1888, ante, p. 286; March 2, 1895, ante, pp. 564 and 566, and June 6, 1900, post, p. 712).

Railroad rights of way have been specially authorized by the acts of August 2, 1882 (ante, p. 206), amended by June 1, 1886 (ante, p. 235), and February 24, 1896 (ante, p. 572), March 3, 1899 (post, p. 692), amended by May 24, 1900 (post, p. 700).

By the act of February 14, 1873 (ante, p. 141), the authority to issue bonds to the Choctaw tribe was suspended. The joint resolution of January 18, 1893 (ante, p. 504), provided for the withholding of a portion of the funds derived from the sale of the Cheyenne and Arapaho lands.

The Dawes Act (ante, p. 33) excepts the Choctaw lands, provisions for the allotment of which is made in the act of March 3, 1893 (ante, p. 498), supplemented by the general agreements with the Choctaw ratified by the acts of June 28, 1898 (supra), and July 1, 1902 (post, p. 771), and the act of May 27, 1902 (ante, p. 120).

Town sites in the Choctaw Nation are provided for by the acts of May 31, 1900 (ante, p. 106), March 1, 1901 (post, p. 719), March 3, 1901 (ante, p. 112), and May 27, 1902 (post, p. 751).

By the act of May 31, 1900 (ante, p. 106), the enrollment of Mississippi Choctaw was regulated. By the act of March 3, 1901 (post, p. 742), the sale of the Mississippi Choctaw orphan lands by the Secretary of the Interior was authorized.

Leases of coal rights, made with the Choctaw Coal and Railroad Company, were assented to by the act of October 1, 1890 (ante, p. 373).

Payment for the lands sold by the Cheyenne and Arapaho was provided for by the act of March 3, 1891 (ante, p. 418).

The settlement of Absentee Wyandot Indians of Kansas upon a part of the Choctaw lands was authorized by the act of June 10, 1896 (ante, p. 600).

A trust fund for the support of indigent Choctaw is provided by the act of April 29, 1902 (post, p. 748).

provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section fourteen of this Act, which said amended agreement is as follows:

This agreement, by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Alexander B. Montgomery, and Tams Bixby, duly appointed and authorized thereunto, and the government of the Muscogee or Creek Nation in the Indian Territory of the second part, entered into in behalf of such Muscogee or Creek government, by its commission, duly appointed and authorized thereunto, viz, Pleasant Porter, Joseph Mingo, David N. Hodge, George A. Alexander, Roland Brown, William A. Sapulpa, and Conchartie Micco,

Witnesseth, That in consideration of the mutual undertakings herein contained, it is agreed as follows:

General allotment of land.

GENERAL ALLOTMENT OF LAND.

1. There shall be allotted out of the lands owned by the Muscogee or Creek Indians in the Indian Territory to each citizen of said nation one hundred and sixty acres of land. Each citizen shall have the right, so far as possible, to take his one hundred and sixty acres so as to include the improvements which belong to him, but such improvements shall not be estimated in the value fixed on his allotment, provided any citizen may take any land not already selected by another; but if such land, under actual cultivation, has on it any lawful improvements, he shall pay the owner of said improvements for same, the value to be fixed by the commission appraising the land. In the case of a minor child, allotment shall be selected for him by his father, mother, guardian, or the administrator having charge of his estate, preference being given in the order named, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, and due care shall be taken that all persons entitled thereto shall have allotments made to them.

—selection for minor.

—prisoners, etc.

Appraisal, etc.

2. Each allotment shall be appraised at what would be its present value, if unimproved, considering the fertility of the soil and its location, but excluding the improvements, and each allottee shall be charged with the value of his allotment in the future distribution of any funds of the nation arising from any source whatever, so that each member of the nation shall be made equal in the distribution of the lands and moneys belonging to the nation, provided that the minimum valuation to be placed upon any land in the said nation shall be one dollar and twenty-five cents ($1.25) per acre.

—minimum valuation.

—Indians to be represented.

3. In the appraisement of the said allotment, said nation may have a representative to cooperate with a commission, or a United States officer, designated by the President of the United States, to make the appraisement. Appraisements and allotments shall be made under the direction of the Secretary of the Interior, and begin as soon as an authenticated roll of the citizens of the said nation has been made. All citizens of said nation, from and after the passage of this Act, shall be entitled to select from the lands of said nation an amount equal to one hundred and sixty acres, and use and occupy the same until the allotments therein provided are made.

Use of land pending allotment.

Controversies as to allotments.

4. All controversies arising between the members of said nation as to their rights to have certain lands allotted to them shall be settled by the commission making allotments.

Possession.

5. The United States shall put each allottee in unrestricted possession of his allotment and remove therefrom all persons objectionable to the allottee.

Equalizing allotments.

6. The excess of lands after allotment is completed, all funds derived from town sites, and all other funds accruing under the provisions of

this agreement shall be used for the purpose of equalizing allotments, valued as herein provided, and if the same be found insufficient for such purpose, the deficiency shall be supplied from other funds of the nation upon dissolution of its tribal relations with the United States, in accordance with the purposes and intent of this agreement.

Sale of residue of land, etc.

7. The residue of the lands, with the improvements thereon, if any there be, shall be appraised separately, under the direction of the Secretary of the Interior, and said lands and improvements sold in tracts of not to exceed one hundred and sixty acres to one person, to the highest bidder, at public auction, for not less than the appraised value per acre of land; and after deducting the appraised value of the lands, the remainder of the purchase money shall be paid to the owners of the improvement.

Patents.

8. Patents to all lands sold shall be issued in the same manner as to allottees.

Special allotments.

SPECIAL ALLOTMENTS.

9. There shall be allotted and patented one hundred and sixty acres each to Mrs. A. E. W. Robertson and Mrs. H. F. Buckner (nee Grayson) as special recognition of their services as missionaries among the people of the Creek Nation.

10. Harrell Institute, Henry Kendall College, and Nazareth Institute, in Muscogee, and Baptist University, near Muscogee, shall have free of charge, to be allotted and patented to said institutions or to the churches to which they belong, the grounds they now occupy, to be used for school purposes only and not to exceed ten acres each.

Reservations.

RESERVATIONS.

11. The following lands shall be reserved from the general allotment hereinbefore provided:

All lands hereinafter set apart for town sites; all lands which shall be selected for town cemeteries by the town-site commission as hereinafter provided; all lands that may be occupied at the time allotment begins by railroad companies duly authorized by Congress as railroad rights of way; one hundred sixty acres at Okmulgee, to be laid off as a town, one acre of which, now occupied by the capitol building, being especially reserved for said public building; one acre for each church now located and used for purposes of worship outside of the towns, and sufficient land for burial purposes, where neighborhood burial grounds are now located; one hundred sixty acres each, to include the building sites now occupied, for the following educational institutions: Eufaula High School, Wealaka Mission, New Yaka Mission, Wetumpka Mission, Euchee Institute, Coweta Mission, Creek Orphan Home, Tallahassee Mission (colored), Pecan Creek Mission (colored), and Colored Orphan Home. Also four acres each for the six court-houses now established.

Titles.

TITLES.

Patents to allottees.

12. As soon as practicable after the completion of said allotments the principal chief of the Muscogee or Creek Nation shall execute under his hand and the seal of said nation, and deliver to each of said allottees, a patent, conveying to him all the right, title, and interest of the said nation in and to the land which shall have been allotted to him in conformity with the requirements of this agreement.

—form, etc.

Said patents shall be framed in accordance with the provisions of this agreement and shall embrace the land allotted to such patentee and no other land.

—acceptance of patent.

The acceptance of his patent by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the land of the said nation in accordance with the provisions of this agreement, and as a relinquishment of all his rights, title, and interest in and to any and all parts thereof, except the land embraced in said patent; except, also, his interest in the proceeds of all lands herein excepted from allotment.

Record of land titles.

13. The United States shall provide by law for proper record of land titles in the territory occupied by the said nation.

Town sites.

TOWN SITES.

Commission to lay out.

1900, c. 598, ante, p. 106.

14. There shall be appointed a commission, which shall consist of one member appointed by the executive of the Muscogee or Creek Nation, who shall not be interested in town property other than his home, and one member who shall be appointed by the President of the United States. Said commission shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located. No town laid out and platted by said commission shall cover more than four square miles of territory.

Appraisal of improved lots.

15. When said towns are laid out, each lot on which substantial and valuable improvements have been made shall be valued by the commission at the price a fee-simple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon.

Town lots, considerations of value.

16. In appraising the value of town lots, the number of inhabitants, the location and surrounding advantages of the town shall be considered.

Purchase of improvements by the owner.

17. The owner of the improvements on any lot shall have the right to buy the same at fifty per centum of the value within sixty days from the date of notice served on him that such lot is for sale, and if he purchase the same he shall, within ten days from his purchase, pay into the Treasury of the United States one-fourth of the purchase price and the balance in three equal annual payments, and when the entire sum is paid he shall be entitled to a patent for the same, to be made as herein provided for patents to allottees.

Failure of appraisers to agree.

18. In any case where the two members of the commission fail to agree as to the value of any lot they shall select a third person, who shall be a citizen of said nation and who is not interested in town lots, who shall act with them to determine said value.

Failure of owner of improvements to purchase same.

—sale of lot, etc.

—payment to owner of improvements.

19. If the owner of the improvements on any lot fail within sixty days to purchase and make the first payment on the same, such lot, with the improvements thereon (said lot and the improvements thereon having been theretofore properly appraised), shall be sold at public auction to the highest bidder, under the direction of said commission, at a price not less than the value of the lot and improvements, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot and the improvements thereon shall be sold, less fifty per centum of the said appraised value of the lot, and shall pay fifty per centum of said appraised value of the lot into the United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. Said commission shall have the right to reject a bid on any lot and the improvements thereon which it may consider below the real value.

Rejection of bids.

Sale of unimproved lots.

20. All lots not having improvements thereon and not so appraised shall be sold by the commission from time to time at public auction, after proper advertisement, as may seem for the best interest of the said nation and the proper development of each town, the purchase price to be paid in four installments, as hereinbefore provided for improved lots.

Preference right of purchase.

21. All citizens or persons who have purchased the right of occupancy from parties in legal possession prior to the date of signing this agreement, holding lots or tracts of ground in towns, shall have the first right to purchase said lots or tracts upon the same terms and conditions as is provided for improved lots, provided said lots or tracts

shall have been theretofore properly appraised, as hereinbefore provided for improved lots.

Rejection of bids.

22. Said commission shall have the right to reject any bid for such lots or tracts which is considered by said commission below the fair value of the same.

Failure to make payments.

23. Failure to make any one of the payments as heretofore provided for a period of sixty days shall work a forfeiture of all payments made and all rights under the contract; provided that the purchaser of any lot may pay full price before the same is due.

Taxes.

24. No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold as herein provided shall constitute a lien on the same until the purchase price thereof has been fully paid.

Conflicting laws, etc.

25. No law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the constitution or laws of the United States, or in conflict with this agreement, and all persons in such towns shall be subject to such laws.

Cemetery, location, etc.

26. Said commission shall be authorized to locate a cemetery within a suitable distance from each town site, not to exceed twenty acres; and when any town shall have paid into the United States Treasury for the benefit of the said nation ten dollars per acre therefor, such town shall be entitled to a patent for the same, as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes; the proceeds derived therefrom to be applied by the town government to the proper improvement and care of said cemetery.

Expenses of surveying, etc.

27. No charge or claim shall be made against the Muscogee or Creek Nation by the United States for the expenses of surveying and platting the lands and town site, or for grading, appraising and allotting the land, or for appraising and disposing of the town lots as herein provided.

Reservation of church lands.

28. There shall be set apart and exempted from appraisement and sale, in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed fifty feet front and one hundred and fifty feet deep for each church and parsonage. Such lots shall be used only for churches and parsonages, and when they cease to be so used, shall revert to the members of the nation, to be disposed of as other town lots.

Filing of town plats. 1900, c. 598, ante, p. 106.

29. Said commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, one with the executive of the nation, and one with the Secretary of the Interior, to be approved by him before the same shall take effect.

Town, minimum population, etc., necessary.

—government of.

30. A settlement numbering at least three hundred inhabitants, living within a radius of one-half mile at the time of the signing of this agreement, shall constitute a town within the meaning of this agreement. Congress may by law provide for the government of the said towns.

Claims.

CLAIMS.

Arbitration by the Senate.
Vol. 2, p. 932.
Vol. 2, p. 344.

31. All claims, of whatever nature, including the "Loyal Creek Claim" made under article 4 of the treaty of 1866, and the "Self Emigration Claim," under article 12 of the treaty of 1832, which the Muscogee or Creek Nation, or individuals thereof, may have against the United States, or any claim which the United States may have against the said nation, shall be submitted to the Senate of the United States as a board of arbitration; and all such claims against the United States shall be presented within one year from the date hereof, and within two years from the date hereof the Senate of the United States shall make final determination of said claim; and in the event that any moneys

are awarded to the Muscogee or Creek Nation, or individuals thereof, by the United States, provision shall be made for the immediate payment of the same by the United States.

JURISDICTION OF COURTS.

Jurisdiction of courts.

—United States courts.

32. The United States courts now existing, or that may hereafter be created in the Indian Territory, shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, or use of real estate in the territory occupied by the Muscogee or Creek Nation, and to try all persons charged with homicide, embezzlement, bribery and embracery hereafter committed in the territory of said Nation, without reference to race or citizenship of the person or persons charged with any such crime; and any citizen or officer of said nation charged with any such crime shall be tried and, if convicted, punished as though he were a citizen or officer of the United States; and the courts of said nation shall retain all the jurisdiction which they now have, except as herein transferred to the courts of the United States.

—Indian courts.

ENACTMENTS OF NATIONAL COUNCIL.

Enactments of national council.

Acts, etc., to be approved by the President.

33. No act, ordinance, or resolution of the council of the Muscogee or Creek Nation in any manner affecting the land of the nation, or of individuals, after allotment, or the moneys or other property of the nation, or citizens thereof (except appropriations for the regular and necessary expenses of the government of the said nation), or the rights of any person to employ any kind of labor, or the rights of any persons who have taken or may take the oath of allegiance to the United States, shall be of any validity until approved by the President of the United States. When such act, ordinance, or resolution passed by the council of said nation shall be approved by the executive thereof, it shall then be the duty of the national secretary of said nation to forward same to the President of the United States, duly certified and sealed, who shall, within thirty days after receipt thereof, approve or disapprove the same, and said act, ordinance, or resolution, when so approved, shall be published in at least two newspapers having a bona fide circulation throughout the territory occupied by said nation, and when disapproved shall be returned to the executive of said nation.

—publication.

MISCELLANEOUS.

Miscellaneous.

Lands not subject to debts contracted prior to patent.

34. Neither the town lots nor the allotment of land of any citizen of the Muscogee or Creek Nation shall be subjected to any debt contracted by him prior to the date of his patent.

Payments.

35. All payments herein provided for shall be made, under the direction of the Secretary of the Interior, into the United States Treasury, and shall be for the benefit of the citizens of the Muscogee or Creek Nation. All payments hereafter to be made to the members of the said nation shall be paid directly to each individual member by a bonded officer of the United States, under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to the Secretary.

Intoxicants.

36. The United States agrees to maintain strict laws in the territory of said nation against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

United States citizenship.

37. All citizens of said nation, when the tribal government shall cease, shall become possessed of all the rights and privileges of citizens of the United States.

Existing treaties.

38. This agreement shall in no wise affect the provisions of existing treaties between the Muscogee or Creek Nation and the United States, except in so far as it is inconsistent therewith.

In witness whereof, the said Commissioners do hereunto affix their names at Muscogee, Indian Territory, this the twenty-seventh day of September, eighteen hundred and ninety-seven.

HENRY L. DAWES,
Chairman.
TAMS BIXBY,
Acting Chairman.
FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
A. B. MONTGOMERY,
Commission to the Five Civilized Tribes.
ALLISON L. AYLESWORTH,
Acting Secretary.
PLEASANT PORTER,
Chairman.
JOSEPH MINGO,
DAVID M. HODGE,
GEORGE A. ALEXANDER,
ROLAND (his x mark) BROWN,
WILLIAM A. SAPULPA,
CONCHARTY (his x mark) MICCO,
Muscogee or Creek Commission.
J. H. LYNCH,
Secretary.

Approved, June 28, 1898.

July 1, 1898.
30 Stat., 567.

CHAP. 542.—An act to ratify the agreement between the Dawes Commission and the Seminole Nation of Indians.[a]

Agreement with Seminole Nation of Indians.

Whereas an agreement was made by Henry L. Dawes, Tams Bixby, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Needles, the Commission of the United States to the Five Civilized Tribes, and Allison L. Aylesworth, secretary, John F. Brown, Okchan Harjo, William Cully, K. N. Kinkehee, Thomas West, Thomas Factor, Seminole Commission, A. J. Brown, secretary, on the part of the Seminole Nation of Indians on December sixteenth, eighteen hundred and ninety-seven, as follows:

AGREEMENT BETWEEN THE UNITED STATES COMMISSIONERS TO NEGOTIATE WITH THE FIVE CIVILIZED TRIBES, AND THE COMMISSIONERS ON THE PART OF THE SEMINOLE NATION.

Commissioners.

This agreement by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Frank C. Armstrong, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Government of the Seminole Nation in Indian Territory, of the second part, entered into on behalf of said Government by its Commission, duly appointed and authorized thereunto, viz, John F. Brown, Okchan Harjo, William Cully, K. N. Kinkehee, Thomas West, and Thomas Factor;

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[a] *Seminole legislation.*—The principal acts relative to the Seminole may be briefly summarized as follows: The act of April 15, 1874, chapter 97 (ante, p. 150), prescribes the method of paying annuities. The act of March 3, 1885, chapter 341 (23 Stat. 384), authorized negotiations for the sale of part of their lands in the Indian Territory, conveyances being made through negotiations conducted under this act, which are referred to in the act of May 2, 1890, chapter 182 (ante, p. 349).

The act of March 2, 1889, chapter 412, sections 12 and 13 (ante, p. 340), makes provisions relative to cessions in the treaty of 1866.

The Seminole were expressly excepted from the general allotment act of 1887 (24 Stat., 390). The act of March 3, 1893, chapter 209, sections 15 and 16 (ante, p. 498), authorizes allotments in severalty and provides for a commission to make allotments to the Five Civilized Tribes, being that commission usually referred to as the Dawes Commission.

The acts of July 1, 1898, supra, and June 2, 1900, chapter 610 (post, p. 702), ratify general agreements between the Seminole and the Dawes Commission. The act of March 3, 1901, chapter 676, section 36 (post, p. 738), ratifying an agreement made by the Dawes Commission with the Creeks, provides that Seminole located on Creek lands may take allotments there, and Creeks on Seminole lands may do the same.

Witnesseth, That in consideration of the mutual undertakings herein contained, it is agreed as follows:

Appraisal.

Allotment.

All lands belonging to the Seminole tribe of Indians shall be divided into three classes, designated as first, second, and third class; the first class to be appraised at five dollars, the second class at two dollars and fifty cents, and the third class at one dollar and twenty-five cents per acre, and the same shall be divided among the members of the tribe so that each shall have an equal share thereof in value, so far as may be, the location and fertility of the soil considered; giving to each the right to select his allotment so as to include any improvements thereon, owned by him at the time; and each allottee shall have the sole right of occupancy of the land so allotted to him, during the existence of the present tribal government, and until the members of said tribe shall have become citizens of the United States. Such allotments shall be made under the direction and supervision of the Commission to the Five Civilized Tribes in connection with a representative appointed by the tribal government; and the chairman of said Commission shall execute and deliver to each allottee a certificate describing therein the land allotted to him.

Encumbrances prior to patent void.

All contracts for sale, disposition, or encumbrance of any part of any allotment made prior to date of patent shall be void.

Leases.

Any allottee may lease his allotment for any period not exceeding six years, the contract therefor to be executed in triplicate upon printed blanks provided by the tribal government, and before the same shall become effective it shall be approved by the principal chief and a copy filed in the office of the clerk of the United States court at Wewoka.

Lease of minerals, etc.

No lease of any coal, mineral, coal oil, or natural gas within said Nation shall be valid unless made with the tribal government, by and with the consent of the allottee and approved by the Secretary of the Interior.

Division of royalties, minerals on allotments, etc.

Should there be discovered on any allotment any coal, mineral, coal oil, or natural gas, and the same should be operated so as to produce royalty, one-half of such royalty shall be paid to such allottee and the remaining half into the tribal treasury until extinguishment of tribal government, and the latter shall be used for the purpose of equalizing the value of allotments; and if the same be insufficient therefor, any other funds belonging to the tribe, upon extinguishment of tribal government, may be used for such purpose, so that each allotment may be made equal in value as aforesaid.

Wewoka town site, control, etc., of.

The townsite of Wewoka shall be controlled and disposed of according to the provisions of an act of the General Council of the Seminole Nation, approved April 23d, 1897, relative thereto; and on extinguishment of the tribal government, deeds of conveyance shall issue to owners of lots as herein provided for allottees; and all lots remaining unsold at that time may be sold in such manner as may be prescribed by the Secretary of the Interior.

School fund.

Five hundred thousand dollars ($500,000) of the funds belonging to the Seminoles, now held by the United States, shall be set apart as a permanent school fund for the education of children of the members of said tribe, and shall be held by the United States at five per cent interest, or invested so as to produce such amount of interest, which shall be, after extinguishment of tribal government, applied by the Secretary of the Interior to the support of Mekasuky and Emahaka Academies and the district schools of the Seminole people; and there shall be selected and excepted from allotment three hundred and twenty acres of land for each of said academies and eighty acres each for eight district schools in the Seminole country.

Reservations from allotment.

—school lands.

—churches.

There shall also be excepted from allotment one-half acre for the use and occupancy of each of twenty-four churches, including those already existing and such others as may hereafter be established in the Seminole country, by and with consent of the General Council of the Nation; but should any part of same, at any time, cease to be used for church purposes, such part shall at once revert to the Seminole people and be added to the lands set apart for the use of said district schools.

—schools for children of noncitizens.

One acre in each township shall be excepted from allotment and the same may be purchased by the United States upon which to establish schools for the education of children of non-citizens when deemed expedient.

Deeds, force of, etc.

When the tribal government shall cease to exist the principal chief last elected by said tribe shall execute, under his hand and the seal of the Nation, and deliver to each allottee a deed conveying to him all the right, title, and interest of the said Nation and the members thereof in and to the lands so allotted to him, and the Secretary of the Interior shall approve such deed, and the same shall thereupon operate as relinquishment of the right, title, and interest of the United States in and to the land embraced in said conveyance, and as a guarantee by the United States of the title of said lands to the allottee; and the acceptance of such deed by the allottee shall be a relinquishment of his title to and interest in all other lands belonging to the tribe, except such as may have been excepted from allotment and held in common for other purposes. Each allottee shall designate one tract of forty acres, which shall, by the terms of the deed, be made inalienable and nontaxable as a homestead in perpetuity.

Homestead.

Per capita payment of residue of funds, etc.

All moneys belonging to the Seminoles remaining after equalizing the value of allotments as herein provided and reserving said sum of five hundred thousand dollars for school fund shall be paid per capita to the members of said tribe in three equal installments, the first to be made as soon as convenient after allotment and extinguishment of tribal government, and the others at one and two years, respectively. Such payments shall be made by a person appointed by the Secretary of the Interior, who shall prescribe the amount of and approve the bond to be given by such person; and strict account shall be given to the Secretary of the Interior for such disbursements.

Loyal Seminole claim.

The loyal Seminole claim shall be submitted to the United States Senate, which shall make final determination of same, and, if sustained, shall provide for payment thereof within two years from date hereof.

United States court at Wewoka.

There shall hereafter be held at the town of Wewoka, the present capital of the Seminole Nation, regular terms of the United States court as at other points in the judicial district of which the Seminole Nation is a part.

Intoxicants.

The United States agrees to maintain strict laws in the Seminole country against the introduction, sale, barter, or giving away of intoxicants of any kind or quality.

Existing treaties.

This agreement shall in no wise affect the provisions of existing treaties between the Seminole Nation and the United States, except in so far as it is inconsistent therewith.

Jurisdiction United States courts.

The United States courts now existing, or that may hereafter be created, in Indian Territory shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, or use of real estate owned by the Seminoles, and to try all persons charged with homicide, embezzlement, bribery, and embracery hereafter committed in the Seminole country, without reference to race or citizenship of the persons charged with such crime; and any citizen or officer of said nation charged with any such crime, if convicted, shall be punished as if he were a citizen or officer of the United States, and the courts of said nation shall retain all the jurisdiction which they now have, except as herein transferred to the courts of the United States.

—Indian courts.

When this agreement is ratified by the Seminole Nation and the United States the same shall serve to repeal all the provisions of the Act of Congress approved June seventh, eighteen hundred and ninety-seven, in any manner affecting the proceedings of the general council of the Seminole Nation.

Repeal.
30 Stat., 72.

It being known that the Seminole Reservation is insufficient for allotments for the use of the Seminole people, upon which they, as citizens, holding in severalty, may reasonably and adequately maintain their families, the United States will make effort to purchase from the Creek Nation, at one dollar and twenty-five cents per acre, two hundred thousand acres of land, immediately adjoining the eastern boundary of the Seminole Reservation and lying between the North Fork and South Fork of the Canadian River, in trust for and to be conveyed by proper patent by the United States to the Seminole Indians, upon said sum of one dollar and twenty-five cents per acre being reimbursed to the United States by said Seminole Indians; the same to be allotted as herein provided for lands now owned by the Seminoles.

Purchase of land from Creek Indians for Seminole.

This agreement shall be binding on the United States when ratified by Congress and on the Seminole people when ratified by the general council of the Seminole Nation.

Ratification.

In witness whereof the said Commissioners have hereunto affixed their names at Muskogee, Indian Territory, this sixteenth day of December, A. D. 1897.

Signatures.

HENRY L. DAWES,
TAMS BIXBY,
FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES,
Commission to the Five Civilized Tribes.
ALLISON L. AYLESWORTH,
Secretary.

JOHN F. BROWN,
OKCHAN HARJO,
WILLIAM CULLY,
K. N. KINKEHEE,
THOMAS WEST,
THOMAS FACTOR,
Seminole Commission.

A. J. BROWN,
Secretary.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same be, and is hereby, ratified and confirmed, and all laws and parts of laws inconsistent therewith are hereby repealed.

Agreement confirmed.
Inconsistent laws repealed.

Approved, July 1, 1898.

July 1, 1898.
30 Stat., 571.

CHAP. 545.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department and in full compensation for all offices the salaries for which are specially provided for herein,

Indian Department appropriations.

for the service of the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and fulfilling treaty stipulations for the various Indian tribes, namely:

* * * * * * *

[30 Stat., 576.]

Surveys.
See note to 1889, ch. 24, ante, p. 301.

Proviso.
Aids to navigation.

United States not liable for overflows.

—list of lands, etc.

For completing the necessary surveys within the Chippewa Indian Reservation in Minnesota, including expenses of examining and appraising pine lands, under the provisions of the Act approved January fourteenth, eighteen hundred and eighty-nine, to be reimbursed to the United States out of proceeds of the sale of their lands, fifty thousand dollars: *Provided*, That all lands heretofore or hereafter acquired and sold by the United States under the "Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, shall be subject to the right of the United States to construct and maintain dams for the purpose of creating reservoirs in aid of navigation, and no claim or right of compensation shall accrue from the overflowing of said lands on account of the construction and maintenance of such dams or reservoirs. And the Secretary of War shall furnish the Commissioner of the General Land Office a list of such lands, with the particular tracts appropriately described, and in the disposal of each and every one of said tracts, whether by sale, by allotment in severalty to individual Indians, or otherwise, under said Act, the provisions of this paragraph shall enter into and form a part of the contract of purchase or transfer of title.

* * * * * * *

[30 Stat., 583].
Patents to Santee Sioux Indians.

1376, c. 289, note ante, p. 166.

—form, effect, etc.
Ante, p. 33.

That the Secretary shall cause patents to issue to the Santee Sioux Indians who were assigned lands in the State of Nebraska under the Act approved March third, eighteen hundred and sixty-three, entitled "An Act for the removal of the Sisseton, Wahpeton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians, and for the disposition of their lands in Minnesota and Dakota," which assignments were approved by the President May eleventh, eighteen hundred and eighty-five. Said patents shall be of the form and legal effect prescribed by the fifth section of the Act approved February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

* * * * * * *

Leases by Sisseton and Wahpeton to be approved by Secretary of the Interior, etc.
See ante, p. 428.

That all leases hereafter made of lands belonging to the Sisseton and Wahpeton Indians in the State of South Dakota shall, before they become valid, be approved by and filed with the Secretary of the Interior, and all subleases made by the persons leasing said lands shall be void.

* * * * * * *

[30 Stat., 591.]
Extension of time to complete canal, Yakima Reservation, Wash.
Ante, p. 516.

That the time for the completion of the canal, or any part thereof, authorized by an Act entitled "An Act granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation, in Washington," be, and is hereby, extended two years from July twenty-fourth, eighteen hundred and ninety-eight.

Investigation of value of certain improvements embraced in Wind River or Shoshoni Reservation, Wyo.

—report.

That the Secretary of the Interior be, and he hereby is, directed, through an Indian inspector, to cause an investigation to be made of the kind, extent, character, and value of the improvements made by certain white men, citizens of the United States, since eighteen hundred and sixty-eight, upon tracts of land settled upon, occupied, and improved prior to the date of the treaty creating the Wind River or Shoshone Indian Reservation, in the State of Wyoming, which embraced within said reservation the tracts of land so previously settled upon, and to report to Congress at the beginning of the next regular session the just and equitable value of said improvements made by the respective claimants thereof, who have been compelled to abandon the same and to remove from the said reservation, and such other facts respecting such settlement as may be of value in the adjustment of any claim arising from such removal.

* * * * * * *

[30 Stat., 593.]
Colville Reservation, Wash., mineral lands subject to entry.
Proviso.
Post, p. 1001.
—reserved from entry.

That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision.

—right to cut timber.
Ante, p. 441.
—sale of timber, disposition of proceeds.

The right is hereby granted to cut timber for mining and domestic purposes, at such prices and subject to such regulations as may be prescribed by the Secretary of the Interior, from that portion of the Colville Indian Reservation in the State of Washington, which was vacated and restored to the public domain by the Act of July first, eighteen hundred and ninety-two, entitled "An Act to provide for the opening of a part of the Colville Reservation in the State of Washington and for other purposes," and the net proceeds arising from the disposition of said timber shall be set apart and disposed of according to the provisions of section two of said Act of July first, eighteen hundred and ninety-two, but primarily the expense incident to disposing of said timber, including compensation of such special agent as the Secretary of the Interior shall appoint, shall be paid out of any existing appropriation for the survey and allotment of said lands and shall be reimbursed and replaced from the proceeds arising from the disposition of the timber. The Indian allotments in severalty provided for in said Act shall be selected and completed at the earliest practicable time and not later than six months after the proclamation of the President opening the vacated portion of said reservation to settlement and entry, which proclamation may be issued without awaiting the survey of the unsurveyed lands therein. Said allotments shall be made from lands which shall at the time of the selection thereof be surveyed, excepting that any Indian entitled to allotment under said Act who has improvements upon unsurveyed land may select the same for his allotment, whereupon the Secretary of the Interior shall cause the same to be surveyed and allotted to him. At the expiration of six months from the date of the proclamation by the President, and not before, the non-mineral lands within the vacated portion of said reservation which shall not have been allotted to Indians as aforesaid, shall be subject to settlement, entry and disposition under said Act of July first, eighteen hundred and ninety-two: *Provided*, That the land used and occupied for school purposes at what is known as Tonasket School, on Bonapart Creek, and the site of the sawmill, gristmill, and other mill property on said reservation, are hereby reserved from the operation of this Act, unless other lands are selected in lieu thereof as provided in section six of the aforesaid Act of July first, eighteen hundred and ninety-two.

Allotments in severalty.
—to be made from surveyed lands.
—Indian improvements.
Unallotted lands, when subject to entry, etc.
Proviso.
Reservations from allotment.

* * * * * * *

[30 Stat., 596.]
Flathead Indians, reappraisal of certain unsold lands of.
—sale.
See note to 1872, ch. 308, ante, p. 135.

SEC. 9. That with the consent of the Indians, severally, the Secretary of the Interior is hereby authorized to cause a reappraisement of the unsold tracts of land of the Flathead Indians, situated in the Bitter Root Valley, Montana, by such person connected with the Indian service as he may designate, and that such lands shall then be sold, at the reappraised value, as provided for in the Act of Congress of March second, eighteen hundred and eighty-nine, chapter three hundred and ninety-one, Twenty-fifth Statutes at Large, page eight hundred and seventy-one.

Northern Cheyenne Reservation, Mont.

SEC. 10. That the Secretary of the Interior be, and he is hereby, directed to send an inspector of his Department to the reservation of the Northern Cheyenne Indians, in the State of Montana, and said agent shall be instructed to make a full and complete report to the Secretary of the Interior upon the conditions existing upon said reservation, said report to be available for use on or before the fifteenth day of November, eighteen hundred and ninety-eight.

—report on existing conditions by inspector.

—duties of inspector.

It shall be the duty of the said inspector to ascertain if it is feasible to secure the removal of said Northern Cheyenne Indians from the present reservation to some portion of the Crow Indian Reservation, in the State of Montana. He shall also ascertain and report in detail the number and names of the white settlers legally upon the Northern Cheyenne Reservation, the number of acres of land owned by them, its location and the value thereof and of the improvements thereon. Also the number and names of white settlers who are alleged to be illegally settled upon the reservation, the circumstances attending their settlement thereon, and their location. He shall also enter into negotiations with the white settlers upon said reservation, who have valid titles, for the sale of their lands and improvements to the Government; and he is hereby authorized and empowered to make written agreements with such settlers, which agreements shall not be binding until ratified and approved by the Secretary of the Interior. He shall also make recommendations as to the settlement of the claims of such white settlers as have gone upon said reservation under circumstances which give them an equitable right thereon.

He shall investigate the subject of fencing in the said reservation and shall indicate the lines such fence should follow and the estimated cost of same, and shall report upon the number of cattle and sheep which may safely be pastured within the limits recommended to be fenced. He shall further report upon and make recommendations with reference to any and all matters which in his judgment have any bearing upon the question of securing an equitable adjustment of the difficulties now existing upon said reservation and with especial reference to bringing about a satisfactory settlement with the white settlers, both as to the sale of their lands to the Government and the adjustment of the reservation limits.

Payment of Creek warrants in hands of innocent holders.
30 Stat. 68.

SEC. 11. That the Secretary of the Interior is hereby directed to pay out of the appropriation of the Act of Congress of June seventh, eighteen hundred and ninety-seven, such of the Creek warrants as are proven to be held by innocent holders who acquired them in good faith for value and without knowledge, actual or constructive, of irregularity or fraud in the issuance thereof, and such warrants shall upon payment be canceled by the Secretary of the Interior; and all the warrants so issued by said Creek Nation shall be presented to the Secretary of the Interior within ninety days from the passage of this Act, and all warrants not so presented are hereby declared null and void, and such warrants so presented which are not proven to have been issued or acquired in good faith for value and without knowledge, actual or constructive, of irregularity or fraud in the issuance thereof, shall be held by the Secretary and marked upon their face "fraudulent and void."

Warrants not presented void, etc.

Approved, July 1, 1898.

July 7, 1898.
30 Stat., 715.

CHAP. 574.—An act to amend an act entitled "An act to amend an act to grant to the Gainesville, McAlester and Saint Louis Railway Company a right of way through the Indian Territory."

Right of way of Gainesville, McAlester and St. Louis Railway through Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the Act entitled "An Act to amend an Act entitled 'An Act to grant to the Gainesville, McAlester and Saint Louis Railway Company a right of

Ante, p. 560, amended.

way through the Indian Territory,'" approved March fourth, eighteen hundred and ninety-six, be, and the same is hereby, amended to read as follows:

Construction to begin on approval of map of location from Red River to South McAlester, etc.

"SEC. 4. That the Gainesville, McAlester and Saint Louis Railway Company shall have the right to begin the construction of its line of road as soon as a map of definite location of the route of said road from Red River through the Indian Territory to or near South McAlester is filed with the Secretary of the Interior and approved by him: *Provided*, That a map of definite location of said road from South McAlester to Fort Smith shall be filed and approved before construction work shall be begun between McAlester and Fort Smith."

Proviso.
Construction between McAlester and Fort Smith.

Approved, July 7, 1898.

ACTS OF FIFTY-FIFTH CONGRESS—THIRD SESSION, 1899.

Jan. 28, 1899.
30 Stat., 806.

CHAP. 65.—An act to authorize the Arkansas and Choctaw Railway Company to construct and operate a railway through the Choctaw and Chickasaw nations, in the Indian Territory, and for other purposes.

Arkansas and Choctaw Railway granted right of way through Choctaw and Chickasaw lands, Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arkansas and Choctaw Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Choctaw and Chickasaw nations, in the Indian Territory, beginning at the point on the boundary line between the said Choctaw Nation and the county of Little River, in the State of Arkansas, where the said railway as now constructed runs, thence running by the most feasible and practicable route in a westerly direction through the said Choctaw Nation and through the Chickasaw Nation to such point on the western boundary line of the Chickasaw Nation at or near the town of Sugden, in said nation, as said corporation may select, with the right to construct, use, and maintain such tracks, turnouts, and sidings as said company may deem it to their interest to construct.

Location.

Width.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway and telegraph and telephone line, and for no other purpose, a right of way one hundred feet in width through the said Choctaw and Chickasaw nations for the said Arkansas and Choctaw Railway Company, the same to be fifty feet on either side of the track of said railway from the center thereof, and, in addition to the above right of way, to take and use a strip of land one hundred feet in width, with a length of two thousand feet, for stations for every ten miles of road, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed and track, not exceeding fifty feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the Choctaw Nation or Chickasaw Nation.

Land for stations, etc.

—additional.

Provisos.
—limit.
Limitations on grant.

Damages.

SEC. 3. That before said railway and telegraph and telephone line shall be constructed through any lands held by individual occupants according to the laws, usages, and custom of the Choctaw Nation or Chickasaw Nation, respectively, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway and telegraph and telephone line. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of disinterested referees, to be appointed—for the Choctaw Nation, one, who shall act as chairman, by the President; one by the principal chief of the Choctaw Nation, and one by the said railway company; and for the Chickasaw Nation, one, who shall act as chairman, by the President; one by the principal chief of the Chickasaw Nation, or, in case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe before a judge or clerk of a United States court or United States commissioner an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the judge of the United States court for the district of the Indian Territory in which the property sought to be condemned is situated upon the application of the other party. A majority of said referees shall be competent to act in case of the absence of a member, after due notice. The chairman of such board shall appoint the time and place for all hearings: *Provided*, That the hearings shall be within the county where the property is situated for which compensation is being assessed for the taking thereof or damage thereto, and at a place as convenient as may be for said occupant, unless the said occupant and said railway company agree to have the hearing at another place. Each of said referees shall receive for his services the sum of four dollars per day for each day he is actually engaged in the trial of any case submitted to them under this Act, with mileage of five cents per mile for each mile actually traveled. Said board of referees shall have power to call for and examine witnesses under oath, and said witnesses shall receive the usual fees allowed witnesses by the laws of the Choctaw Nation and Chickasaw Nation, respectively. Costs, including compensation of the referees, shall be made a part of the award and be paid by the said railway company. In case the referees can not agree, then any two of them are authorized to make the award.

Referees.

—appointment.

—oath, etc.

Proviso.
Hearings.

Compensation of referees

Witnesses.

Costs.

SEC. 4. That either party being dissatisfied with the findings and award of the referees shall have the right within ninety days after making the award and notice of the same, to appeal by original petition to the United States district court for the district of the Indian Territory sitting at the place nearest and most convenient to the land and property which is sought to be condemned; and said suit shall then proceed for determining the damage done to the property in the same and like manner as other civil actions in the said court. The said court shall have jurisdiction to hear and determine the subject-matter of said petition, and the same shall be heard and determined by said court in accordance with the laws now in force or hereafter enacted for the government of said court; and the measure of damages in condemning property authorized by this Act shall be that prescribed by the laws of the State of Arkansas, in so far as the same are not inconsistent with the laws now in force or hereafter enacted for the government of the United States courts in said Choctaw and Chickasaw nations in such cases. If the judgment of the court shall be for a larger sum than the award of the referees, the costs of the litigation shall be adjudged against the railway company; and if the judgment of the court shall be for the same as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then

Appeal.

—to district court, Indian Territory.

Measure of damages.

Costs.

Work may begin on depositing double award.

the costs shall be adjudged against the party taking the appeal. When proceedings shall have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then shall have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad and telegraph and telephone line. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction.

Freight charges.

Provisos.
Passenger rates.
—regulations.

—interstate transportation.

—maximum rates.

Mails.

SEC. 5. That said railway company shall not charge the inhabitants of said nations a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said nations within the limits of which said railway, or a part thereof, shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits of said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation.

Provisos.
Appeal by general councils of tribes, etc.

Award to be in lieu of compensation.

Annual rental.

SEC. 6. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of fifty dollars in addition to the compensation provided for in this Act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said nations, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either the Choctaw Nation or Chickasaw Nation, within four months after the filing of maps of definite location as hereinafter set forth, dissents from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to said nations under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or nations shall be in lieu of the compensation said nation or nations would be entitled to receive under the foregoing provision except the annual tax herein provided for. Said company shall also pay, so long as said territory is owned and occupied by the Choctaw Indians or Chickasaw Indians, respectively, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said nations, respectively. The money paid to the Secretary of the Interior under the provisions of this Act shall be disbursed by him in accordance with the laws and treaties now in force within said nations and tribes according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said

Additional taxes. lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railway as it may deem just and proper for the benefit of said nations, and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Survey, etc. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

Maps to be filed. SEC. 7. That said company shall cause maps showing the route of its located lines through said nations to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chiefs of the said nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: Proviso. —approval. *Provided*, That a map showing the entire line of the road in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of the same shall be commenced.

Employees may reside on right of way. SEC. 8. That the officers, servants, and employees of said company necessary to the construction and management of said railroad shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Construction. SEC. 9. That said railway company shall build at least seventy-five miles of its railway in said nations within three years after the passage of this Act, and complete the remainder thereof within three years thereafter, or the rights herein granted shall be forfeited as to that —forfeiture. portion not built. Crossings. That said railway company shall construct and maintain continually all roads and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Condition of acceptance. SEC. 10. That the said Arkansas and Choctaw Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist any effort looking toward the changing or extinguishing the present tenure of the Choctaw Indians or Chickasaw Indians in their land, and will not attempt to secure from the Choctaw Nation or Chickasaw Nation any further grant of land or its occupancy than is hereinbefore Proviso. —violation to forfeit. provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Record of mortgages. SEC. 11. That all mortgages, deeds of trust, and other conveyances executed by said railway company, conveying any portion of its railway, telegraph, and telephone lines, with its franchises, that may be constructed in said Choctaw Nation and Chickasaw Nation shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution and shall convey all rights and property of said company as therein expressed.

Amendment. SEC. 12. That Congress may at any time amend, add to, alter, or repeal this Act.

Assignment of right of way, etc. SEC. 13. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, January 28, 1899.

Feb. 4, 1899.
30 Stat., 816.

CHAP. 88.—An act to authorize the Little River Valley Railway Company to construct and operate a railway through the Choctaw and Chickasaw nations, in the Indian Territory, and branches thereof, and for other purposes.

Little River Valley Railway granted right of way through Choctaw and Chickasaw nations, Indian Territory.

Location.

Branches.

Tracks, turn-outs, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Little River Valley Railway Company, a corporation under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, and equipping, operating, using, and maintaining a railway, telegraph, and telephone lines through the Choctaw and Chickasaw nations, in the Indian Territory, beginning at the point where said railway now intersects the boundary line between the State of Arkansas and the Choctaw Nation, in Little River County, Arkansas; thence running by the most feasible and practical route in a westerly direction through said Choctaw Nation to such point at or near Atoka, in said nation, as said corporation may select; thence from such point in a northwesterly direction up the valley of the Washita River, through the Choctaw and Chickasaw nations, to the boundary line between the Chickasaw Nation and Oklahoma Territory; and at the most feasible and practical points on the main line contemplated herein opposite the towns of Clarksville and Paris, in the State of Texas, the said railway company is invested with like authority to build and operate branches thereof from said main line in the Choctaw Nation to Red River or the boundary line between the State of Texas and the Choctaw Nation; and said railway company shall have the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it necessary and to their interest to construct and maintain along and upon the right of way and depot grounds herein provided for.

Width of right of way.

Land for stations.

—additional.

—limit.

Proviso.
Lands not to be leased; restricted use, etc.

—reversion.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway and telegraph and telephone line, and for no other purpose, a right of way one hundred feet in width through the said Choctaw and Chickasaw nations for the said Little River Valley Railway and branches, the same to be fifty feet on each side of the track of said railway from the center thereof, and, in addition to the above right of way, to take and use a strip of land one hundred feet in width, with a length of two thousand feet, for stations, at such points as the said railway company may deem to their interest to erect, with the right to use such additional grounds, where there are heavy cuts or fills, as may be necessary for the construction and maintenance of the roadbed and track, not exceeding fifty feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, said portion shall revert to the Choctaw and Chickasaw nations.

Damages.

Referees.

—appointment.

SEC. 3. That before said railway and telegraph and telephone lines shall be constructed through any lands held by individual occupants, according to the laws, usages, and customs of the Choctaw and Chickasaw nations, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway and telegraph and telephone lines. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the principal chief of the Choctaw or Chickasaw nations, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe before a judge or clerk of the United States court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the judge of the United States court for the central district of the Indian Territory, upon the application of the other party. A majority of said referees may be competent to act in case of the absence of a member, after due notice. The chairman of such board shall appoint the time and place for all hearings: *Provided*, That the hearings shall be within the county in which the property is situated for which compensation is being assessed for the taking thereof or damage thereto, and at a place as convenient as may be for said occupant, unless the said occupant and said railway company agree to have the hearing at another place. Each of said referees shall receive for his services the sum of four dollars per day for each day he is engaged in assessing compensation, with mileage of five cents per mile for each mile necessarily traveled in the discharge of his duties. Said board of referees shall have power to call for and examine witnesses under oath, and said witness shall receive the usual fees allowed witnesses by the laws of the Choctaw or Chickasaw nations. Cost, including compensation of the referees, shall be made a part of the award and be paid by the said railway company. In case the referees can not agree, then any two of them are authorized to make the award.

-oath of.

Hearings.

—where held.

Compensation.

Witnesses; fees.

Costs.

SEC. 4. That either party being dissatisfied with the findings and award of the referees shall have the right, within sixty days after the filing of the award, as hereinbefore provided, and notice of the same, to appeal by original petition to the United States district court for the central district of the Indian Territory, sitting at the place nearest and most convenient to the land and property which is sought to be condemned; and said suit shall then proceed for determining the damages done to the property, in the same and like manner as other civil actions in the said court. The said court shall have jurisdiction to hear and determine the subject-matter of said petition, and the same shall be heard and determined by said court in accordance with the laws now in force or hereafter enacted for the government of said court; and the measure of damages in condemning property authorized by this Act shall be that prescribed by the laws of the State of Arkansas, in so far as the same are not inconsistent with the laws now in force or hereafter enacted for the government of the United States courts in said Choctaw and Chickasaw nations in such cases. If the judgment of the court shall be for a larger sum than the award of the referees, the cost of the litigation shall be adjudged against the railway company; and if the judgment of the court shall be for the same as the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings shall have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then shall have the right to enter upon the property sought to be condemned and proceed with the construction of the railway and telegraph and telephone lines. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction.

Appeal to district court, Indian Territory.

Measure of damages

Costs.

Work may begin on depositing double award.

SEC. 5. That said railway company is authorized and hereby given the right to connect or cross with its tracks the tracks and railroads of any other company or person owning or operating a railway in the said Choctaw and Chickasaw nations. In case of failure to make amicable settlement with any such corporation or person for such crossing, such

Crossing the tracks of other roads.

compensation shall be determined in the same manner as hereinbefore provided for determining the compensation for land and other property taken and damaged.

Freight charges.

Provisos.
Passenger rates.
—regulations.

—interstate transportation.

—maximum rates.

Mails.

SEC. 6. That said railway company shall not charge the inhabitants of said nations a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said nations within the limits of which said railway or a part thereof shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits of said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such price as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation.

Provisos.
Appeal by general council of tribes, etc.

Award to be in lieu of compensation.

Annual rental.

Disbursement of money, etc.

Additional taxes.

Surveys, etc.

SEC. 7. That said railway company shall pay to the Secretary of the Interior, for the benefit of the Choctaw and Chickasaw nations, the sum of fifty dollars, in addition to the compensation provided for in this Act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said nations, said payment to be made in installments of five hundred dollars as each ten miles is graded: *Provided*, That if the general council of the Choctaw and Chickasaw nations, within four months after the filing of maps of definite location, as hereinbefore set forth, dissents from the allowance hereinbefore provided for and shall certify the same to the Secretary of the Interior, then all compensation to be paid to said nations under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as herein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation shall be in lieu of the compensation said nation would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said territory is owned and occupied by the Choctaw and Chickasaw nations, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in the said nations. The money paid to the Secretary of the Interior under the provisions of this Act shall be disbursed by him in accordance with the laws and treaties now in force within said nations: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations, to impose such additional taxes upon said railway as it may deem just and proper for the benefit of said nations; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

Maps to be filed.

SEC. 8. The said company shall cause maps, showing the route of its located lines through said nations, to be filed in the office of the Secretary of the Interior and also to be filed in the office of the principal chief of the said nations; and after the filing of said maps no claim for

Proviso.
—of first 50 miles before construction.

a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said railway company: *Provided*, That a map showing the first fifty miles of the road in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of the same shall be commenced.

Employees may reside on right of way.

SEC. 9. That the officers, servants, and employees of said railway company necessary to the construction and management of the railroad shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Construction.
—forfeiture.
Crossings, etc.

SEC. 10. That said railway company shall build at least fifty miles of its railway in said nations within three years after the passage of this Act, and complete the same within two years thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all roads and highways, crossings, and necessary bridges over said railway whenever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 11. That the said Little River Valley Railway Company shall accept this right of way upon the express conditions, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist any effort looking toward the changing or extinguishing the present tenure of the Choctaw and Chickasaw Indians in their lands, and will not attempt to secure from the Choctaw and Chickasaw nations any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in these sections shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Proviso.
Violation to forfeit.

Record of mortgages.

SEC. 12. That all mortgages, deeds of trust, and other conveyances executed by said railway company conveying any portion of its railroad, telegraph and telephone lines, with its franchises, that may be constructed in said Choctaw and Chickasaw nations shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Amendment.

SEC. 13. That Congress may at any time amend, add to, alter, or repeal this Act.

Assignment of right of way.

SEC. 14. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages and other liens that may be given or secured thereon to aid in the construction thereof.

Approved, February 4, 1899.

Feb. 9, 1899.
30 Stat., 834.

CHAP. 129.—An act to authorize the Missouri and Kansas Telephone Company to construct and maintain lines and offices for general business purposes in the Ponca, Otoe, and Missouria Reservation, in the Territory of Oklahoma.[a]

Missouri and Kansas Telephone Company may construct lines, etc., in Ponca, etc., reservations, Okla.
See note to 1881, ch. 128, ante, p. 190.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Missouri and Kansas Telephone Company is hereby authorized and empowered to construct and maintain telephone lines and offices for general telephone business in the Ponca, Otoe, and Missouria Reservation in the Territory of Oklahoma, subject to the approval of the Secretary of the Interior and upon the terms and conditions hereinafter prescribed.

Annual rental.

SEC. 2. That said company shall pay to the nation or tribe through which it extends its telephone lines, in whole or in part, annually, five dollars for each ten miles of said line so constructed and maintained.

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[a] For legislation relative to the Ponca, see the following acts: August 15, 1876, chapter 289 (ante, p. 167); March 2, 1889, chapter 405 (ante, p. 328), and June 10, 1896, chapter 398 (ante, p. 598).

Consent to construction on improvements.

Damages.

Proviso.

Appeal, etc.

SEC. 3. That before said telephone line shall be constructed under the provisions of this Act consent shall be obtained from all persons in the lawful possession of improvements authorizing said construction upon such improvements; and if the right to construct any such line can not be obtained by agreement, then the amount of damages shall be determined by arbitration, one arbitrator to be selected by the company and one by the owner of the improvements, and if they fail to agree they shall select a third person, and the award so made shall be binding upon the parties thereto: *Provided*, That either party dissatisfied with such award may appeal therefrom, within twenty days, to the United States court exercising jurisdiction over the tribe or nation in which such improvements are situated by filing an original petition in said court exhibiting the findings of said board, and upon the final hearing of said petition the court or jury trying the same shall assess the actual damage caused by the construction of said line. The company shall not begin the construction of said telephone line upon the improvements of another without his consent, or until the board of arbitrators herein provided for shall have made an award of the damages and the company shall have paid or tendered in payment the amount of such award.

Taxes.

Tolls.

SEC. 4. That nothing herein shall be construed as exempting said telephone company from the payment of any tax which may be lawfully assessed against such company; and Congress hereby expressly reserves the right to regulate the tolls or charges of any lines constructed under the provisions of this Act.

Approved, February 9, 1899.

Feb. 13, 1899.

30 Stat., 836.

CHAP. 153.—An act to amend an act granting to the Saint Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory and Oklahoma Territory, and for other purposes.

Time extended to St. Louis, Oklahoma and Southern Railway to construct road through Indian and Oklahoma Territories.

Ante, p 568.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act granting to the Saint Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory and Oklahoma Territory, and for other purposes, which took effect on March twenty-eighth, eighteen hundred and ninety-six, be, and the same is hereby, amended as follows:

"The time for completing the survey of the entire line of said road and filing a map of the same with the Secretary of the Interior and constructing the first fifty miles, and the completion of the remaining sections thereof, shall be, and is hereby, extended two years from the dates specified in said Act."

Approved, February 13, 1899.

Feb. 21, 1899.

30 Stat., 844.

CHAP. 178.—An act to extend and amend the provisions of an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December twenty-first, eighteen hundred and ninety-three, and also to extend and amend the provisions of a supplemental act approved February fifteenth, eighteen hundred and ninety-seven, entitled "An act to extend and amend an act entitled 'An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes.'"

Right of way granted Kansas, Oklahoma Central and Southwestern Railway through Indian and Oklahoma Territories, extended, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an Act entitled "An Act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December twenty-first, eighteen hundred and ninety-three, and also to

Ante pp. 505 and 617.

extend and amend the provisions of an Act approved February fifteenth, eighteen hundred and ninety-seven, entitled "An Act to extend and amend an Act entitled 'An Act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes,'" be, and the same are hereby, extended for a period of three years from and after December twenty-first, eighteen hundred and ninety-eight, so that said Kansas, Oklahoma Central and Southwestern Railway Company shall have until December twenty-first, nineteen hundred and one, to build the first one hundred miles of its said railway line in said Territories and as described in said above-mentioned Act approved December twenty-first, eighteen hundred and ninety-three, and two years thereafter to complete the same.

Branch line, Indian Territory.

SEC. 2. That section three of said above-mentioned Act approved February fifteenth, eighteen hundred and ninety-seven, be, and the same is hereby, amended to read as follows: "That the said railway company shall have the power to construct, equip, and operate a branch or extension from its main line, starting at or near Bartlesville, in the Indian Territory, and extending thence in a south or southeasterly direction through the Cherokee Indian Nation and through the Creek, Seminole, and Chickasaw Indian nations to a point on the Texas State line and on Red River, on the north boundary of said State and the south boundary of the said Chickasaw Indian Nation, to Sherman, in the State of Texas, by way of Collinsville, Okmulgee, Wewoka, and Tishomingo, in the said Indian Territory; and for such purposes the said railway company is hereby empowered to acquire and occupy a right of way of the same dimensions, by the same methods, and for the same compensation as provided for in the original Act approved December twenty-first, eighteen hundred and ninety-three.

Branch line, Oklahoma Territory.

SEC. 3. That the said railway company be, and is hereby, authorized and empowered to construct, equip, and operate a branch line or extension from its main line, starting from a point at or near Stillwater, Payne County, Oklahoma Territory, and extending thence in a south or southwesterly direction through the organized counties of Lincoln, Pottawatomie, and Cleveland, in said Oklahoma Territory, to a point on the south line of said Oklahoma Territory and on the Canadian River, and on the north boundary line of the Chickasaw Nation, Indian Territory, and extending thence south or southwesterly through the Chickasaw Indian Nation to a point on the north boundary line of the State of Texas and on Red River, and thence to the city of Henrietta, Clay County, in said State of Texas, by way of Chandler and Shawnee, in Oklahoma Territory, and Pauls Valley, in the Indian Territory; and that, for the purposes of constructing said railway line and branches through the said above-named organized counties in Oklahoma Territory, the said railway company shall proceed and be governed in all respects by the laws of the said Territory of Oklahoma, except as to allotted or reserved Indian lands, and where the line of road shall pass through such lands the company in receiving the right of way through the same shall in all respects be governed by the provisions of said Act of December twenty-first, eighteen hundred and ninety-three; and for the purposes of constructing its said railway line and branches through the said Indian nations the said railway company shall proceed and be governed in all things by the provisions of the said original Act approved December twenty-first, eighteen hundred and ninty-three.

Construction, branch lines.

SEC. 4. That the said railway company shall build at least fifty miles of each of its said branch lines within two years after the approval of this Act, and shall have two years thereafter in which to complete the same, or the rights herein granted shall be forfeited as to such portions as are not built.

Approved, February 21, 1899.

Feb. 25, 1899.

30 Stat., 891.

CHAP. 193.—An act to amend an act entitled "An act to amend an act to grant to the Gainesville, McAlester and Saint Louis Railway Company a right of way through the Indian Territory."

Time extended to Gainesville, McAlester and St. Louis Railway for right of way through Indian Territory.

Ante, p. 478.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section nine of the Act entitled "An Act to grant to the Gainesville, McAlester and Saint Louis Railway Company a right of way through the Indian Territory," approved March first, eighteen hundred and ninety-three, be, and the same are hereby, extended for a further period of three years from and after the passage of this amendment.

Approved, February 25, 1899.

Feb. 28, 1899.

30 Stat., 906.

CHAP. 219.—An act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian lands in Idaho.

Clearwater Valley Railroad granted right of way through Nez Perces lands, Idaho.

See note to 1888, ch. 717, ante, p. 288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Clearwater Valley Railroad Company, a corporation organized and existing under the laws of the State of Oregon, and its successors and assigns, for the construction and operation of its railroad and telegraph line through the Nez Perces Indian Reservation in the State of Idaho, and also through lands formerly embraced within said reservation which have been allotted to the individual members of the Nez Perces tribe of Indians, beginning at a point on the western boundary of the said Nez Perces Indian Reservation in section twenty-five, township thirty-six north, range five west of the Boise meridian, on the north bank of the Clearwater River; thence along the north bank of the said Clearwater River in an easterly direction to a point in township thirty-six north, range four west of the Boise meridian, nearly opposite the mouth of Lapwai Creek; thence crossing to the south bank of the said Clearwater River to a point within the said Indian agency grounds in said section twenty-two, township thirty-six north, range four west of the Boise meridian; thence along said south bank of the Clearwater River to the mouth of Big Canyon, in section three, township thirty-six north, range one west of the Boise meridian; thence up the Big Canyon in a southeasterly direction to the junction of Big Canyon and Little Canyon, in township thirty-six north, range one west of the Boise meridian; thence up the valley of the Little Canyon in a general easterly direction to the Boise meridian in township thirty-six north; thence along the valley of the Little Canyon in a general southerly and southwesterly direction through townships thirty-six, thirty-five, and thirty-four north, range one east of the Boise meridian; thence along the valley of said Little Canyon through township thirty-four north, range one west of the Boise meridian, to a divide in said township between the watersheds of Little Canyon and Lawyers Canyon; thence in a southwesterly direction through said township thirty-four north, range one west of the Boise meridian, to the township line between townships thirty-three and thirty-four north, range one west of the Boise meridian; thence in a general southwesterly direction through township thirty-three north, range one west of the Boise meridian, to the township line between townships thirty-two and thirty-three north, range one west of the Boise meridian; thence in a southerly and easterly direction through township thirty-two north, range one west of the Boise meridian, to the said Boise meridian; thence in a general southerly and easterly direction through township thirty-two north, range one east of the Boise meridian, to the south boundary line of said Nez Perces Indian Reservation.

Location.

Width, etc.

SEC. 2. That the right of way hereby granted shall be fifty feet in width on each side of the central line of said railroad as aforesaid, and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots and machine shops, side tracks, turn-outs, and water stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Ground for stations.

Damages.

SEC. 3. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of such railroad. In case of failure to make satisfactory settlement with any such claimant the district court of the State of Idaho for the county within which such land may be situated shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of the State of Idaho provided for determining the damage when property is taken for railroad purposes, and such compensation shall be determined as provided for by the laws of the State of Idaho; and the amount of damages resulting to the tribe of Indians pertaining to such reservation in their tribal capacity by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, and the time and manner of making payment therefor, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval.

Appeal.

Tribal lands.

Maps.

SEC. 4. That said company shall cause maps showing the route of its line through said reservation and allotted lands, including the grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

Completion.

SEC. 5. That the rights herein granted shall be forfeited by said company unless the road shall be constructed through the said reservation and allotted lands within three years after the passage of this Act.

Railroad rights on public lands.

18 Stat., 482.

SEC. 6. That nothing herein contained shall restrict or impair the rights which said company may now have or hereafter acquire to the benefits and provisions of the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States."

Approved, February 28, 1899.

Feb. 28, 1899.

30 Stats., 909.

CHAP. 222.—An act providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes.

Pottawatomie and Kickapoo Indian reservations, Kans.

Sale authorized of surplus lands in.

See 1895, ch. 188, ante, p. 567.

See notes to 1898, ch. 228, ante, p. 480, and 1876, ch. 289, ante, p. 175.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent of a majority of the chiefs, headmen and male adults of the Prairie band of Pottawatomie tribe of Indians and the Kickapoo tribe of Indians in the State of Kansas, expressed in open council by each tribe, the Secretary of the Interior be, and hereby is, authorized and directed to cause to be sold in trust for said Indians the surplus or unallotted lands of the reservations of the Pottawatomie tribe of Indians in Jackson County, Kansas, and the Kickapoo tribe of Indians in Brown County, Kansas. The said lands shall be appraised in tracts of one-half quarter section each by three competent commissioners, one of whom shall be selected by the two Indian tribes, and the other two shall be appointed by the Secretary of the Interior: *Provided,* That either tribe may consent to the sale of its own lands and select a commissioner without the consent of the other, and when one tribe does consent to the sale of its surplus lands the Secretary of the Interior shall proceed to sell the same.

Appraisement.

Proviso.
Consent of tribes.

Lands offered for public sale.

Provisos.
—minimum price, etc.

—purchases by Indians.

Payment, etc.

Purchase money to be paid Indians.
—minors.

Patents.

Forfeiture for nonpayment.

SEC. 2. That after the appraisement of said lands as herein provided the Secretary of the Interior shall be, and hereby is, authorized and directed to offer and sell the same through the United States public land office at Topeka, Kansas, at public sale, to the highest bidder: *Provided*, That no portion of such lands shall be sold at less than the appraised value thereof, and in no case for less than five dollars per acre, and to none except to heads of families or persons over twenty-one years of age. Each purchaser of said lands at such sale shall be entitled to purchase two half quarter sections and no more: *Provided*, that any member of either of said tribes of the age of twenty-one years may purchase not exceeding one quarter section of such lands at the appraised value. All purchasers shall pay one-third of the purchase price at the time said land is bid off, and if not paid immediately the bid shall be rejected and the land reoffered, and one-third in two years from the date of such sale, and one-third in four years from the date of sale, with interest on deferred payments at the rate of six per centum per annum; and all sums, when paid to the receiver of the public land office at Topeka, Kansas, shall, under rules prescribed by the Secretary of the Interior, be paid to such Indians upon the recognized rolls upon which moneys are paid them by the United States in other cases the said purchase money of such lands: *Provided*, That in the case of minors the money shall be placed in the Treasury of the United States and held for such minors, respectively, until they have attained the age of twenty-one years. No patents shall issue until all payments shall have been made; and on failure of any purchaser to make payment as required by this Act he shall forfeit the land purchased, and the same shall be subject to entry and sale at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

Schools excepted.

SEC. 3. That there shall be excepted from the provisions of this Act the lands for two boarding or industrial schools located on these reservations, not exceeding three hundred and twenty acres for each school, the amount and location to be determined and designated, after the assent of the tribe or tribes, by the Secretary of the Interior.

Appropriation, reimbursable.

SEC. 4. That for the purpose of carrying this Act into effect the sum of two thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be reimbursed to the United States out of the proceeds of the sales of the lands made under the provisions hereof, each tribe to be charged only with the expenses attending the sale of its own lands.

Allotments to absentees, etc., to precede sale.

Allotments subject to existing leases.

Provisos.
Absentees, etc., restricted to lands of their tribe.

Segregation of paragraph.

SEC. 5. That before any of the surplus lands belonging to either of said tribes of Indians shall be sold under the provisions of this Act there shall be allotted by the Secretary of the Interior eighty acres to each absentee of either of said tribes, and also to each of the children of the members of the respective tribes born since the allotments heretofore made were closed and to whom allotments have never been made, but all allotments shall be made and accepted subject to existing leases: *Provided*, That in making these allotments the said Pottawatomie children and absentees shall be restricted to the Pottawatomie lands and the Kickapoo children and absentees to the Kickapoo lands: *Provided further*, That this paragraph relating to allotments may be adopted or rejected by either tribe separate and apart from and without affecting the other provisions of this Act.

Approved, February 28, 1899.

Feb. 28, 1899.

30 Stat., 912.

CHAP. 225.—An Act Authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebraska, and for other purposes.

Sioux City and Omaha Railway granted right of way through Omaha and Winnebago Reservation, Nebr.

See note to 1882, ch. 434, ante p. 212.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Sioux City and Omaha Railway Company, a corporation created under and by virtue of the laws of the State of Nebraska, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping and operating, using and maintaining a railway and telegraph and telephone line through the Omaha and Winnebago Reservation in Nebraska, beginning at a point to be selected by said railway company at or near the town of Decatur, Burt County, Nebraska, and running thence in a northerly and westerly direction, over the most practicable and feasible route, through the Omaha and Winnebago Reservation, to a point on the north line of the Omaha and Winnebago Reserve, in Thurston County, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to its interests to construct and maintain along and upon the right of way and depot grounds herein provided for.

Width.

Additional land for stations, etc.

Proviso.
—limit.
Restricted use.

Reversion.

SEC. 2. That said corporation is authorized to take and use, for all purposes of a railway, for its main line and branch line, and for no other purpose, a right of way one hundred feet in width through said Omaha and Winnebago Reservation, and to take and use a strip of land two hundred feet in width, with a length of three thousand feet, in addition to the right of way, for stations, for every ten miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided,* That no more than said addition of land shall be taken for any one station: *Provided further,* That no part of the lands herein authorized to be taken shall be sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used, such portion shall revert to the Omaha and Winnebago tribes of Indians from whom the same shall have been taken.

Damages.

Appraisal.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of said Omaha and Winnebago tribes of Indians through which it may be constructed, or by allotments under any law of the United States or agreement with the Indians, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the Indian agent of the Government stationed at the agency of the Omaha and Winnebago Reservation, one by the chief of the tribe to which said occupant belongs, or, in case of an allottee, by said allottee or by his duly authorized guardian or representative, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment; which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy

Hearings.

Costs.

Appeal.

—costs on.

Construction to begin on payment of double award.

shall be filled by the district judge of any United States court in the State of Nebraska, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the tribe to which such occupant belongs. Each of said referees shall receive for his services the sum of three dollars per day for each day he is engaged in the trial of any case submitted to them under this Act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said State of Nebraska. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway company. In case the referees can not agree, then any two are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making the award and notice of the same, to appeal by original petition to any district court in the State of Nebraska, which court shall have jurisdiction to hear and determine the subject-matter of said petition. If, upon hearing of the appeal, the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the cost shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the cost shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway.

Additional compensation.

Provisos.
Appeal.

Payment for dissenting tribes, etc.

Surveys, etc.

SEC. 4. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular tribes or individuals through whose lands said line may be located, the sum of fifty dollars, in addition to compensation provided for in this Act, for property taken and damage done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Omaha and Winnebago Reservation, said payments to be made in installments of one hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either of the tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section five of this Act, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting tribes under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of the lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by the said railway company for dissenting tribes shall be in lieu of the compensation that said tribes would be entitled to receive under the foregoing provisions. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

Maps to be filed.

Proviso.
Grading to begin on filing maps.

SEC. 5. That said company shall cause maps showing the entire route of its located lines through the said Omaha and Winnebago Reservation to be filed in the office of the Secretary of the Interior, which maps shall be approved by said Secretary before any rights shall vest in said company under this Act. After the filing of said maps and approval thereof by the Secretary of the Interior no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing said railway company's located line is filed and approved, as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void.

Construction.

—forfeiture of rights.

Crossings.

SEC. 6. That said railway company shall build at least ten miles of its railway in said Omaha and Winnebago Reservation within two years after the passage of this Act, and complete the remainder thereof within three years thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Amendment.

SEC. 7. That Congress may at any time amend, add to, or alter this Act.

Approved, February 28, 1899.

Feb. 28, 1899.

30 Stat., 914.

CHAP. 226.—An act to amend an act entitled "An act to grant the right of way through the Indian Territory to the Denison, Bonham and New Orleans Railway Company for the purpose of constructing a railway, and for other purposes," approved March twenty-eighth, eighteen hundred and ninety-eight, and to vest in The Denison, Bonham and Gulf Railway Company all the rights, privileges, and franchises therein granted to said first-named company.

Right of way of Denison, Bonham and New Orleans Railway granted to Denison, Bonham and Gulf Railway.

Ante, p. 681.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the rights of way, privileges, and franchises granted, or which were sought to be granted, to the Denison, Bonham and New Orleans Railway Company by the Act of Congress entitled "An Act to grant the right of way through the Indian Territory to the Denison, Bonham and New Orleans Railway Company for the purpose of constructing a railway, and for other purposes," be, and the same are hereby, fully vested in and granted to The Denison, Bonham and Gulf Railway Company, and said Act is hereby so amended as to insert in lieu of the name of the Denison, Bonham and New Orleans Railway Company that of the said The Denison, Bonham and Gulf Railway Company wherever it occurs in the title or body of said Act, and the same shall hereafter read and be construed in all respects as if the name of the said The Denison, Bonham and Gulf Railway Company had been inserted in the original Act in lieu of that of the Denison, Bonham and New Orleans Railway Company.

Approved, February 28, 1899.

Mar. 1, 1899.

30 Stat., 918.

CHAP. 316.—An act granting to the Clearwater Short Line Railway Company a right of way through the Nez Perces Indian lands in Idaho.

Clearwater Short Line Railway granted right of way through Nez Perces Indian lands, Idaho.

See note to 1888, ch. 717, ante, p. 288.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted to the Clearwater Short Line Railway Company, a corporation organized and existing under the laws of the State of Montana, and its successors and assigns, for the construction and operation of its railroad and telegraph lines through the Nez Perces Indian Reservation in the State of Idaho, and also through lands formerly embraced within said reservation which have been allotted to the individual members of the Nez Perces tribe of Indians, beginning at a point on the western boundary of the said Nez Perces Indian Reservation, to the east boundary line of said Nez Perces Indian Reservation, together with a branch therefrom beginning at or near Spalding town site, in section twenty-two of township thirty-six north of range four west, Boise meridian, and extending to the south line of said Indian reservation.

Location.

Branch line.

Width.

SEC. 2. That the right of way hereby granted shall be fifty feet in width on each side of the central line of said railroad as aforesaid, and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, and machine shops, side-tracks, turnouts, and water stations, not to exceed in amount three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road.

Additional ground for stations, etc.

Damages.

SEC. 3. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants or owners according to any treaties or laws of the United States, compensation shall be made such occupant or owner or claimant for all property to be taken or damage done by reason of the construction of such railroad. In case of failure to make satisfactory settlement with any such claimant the district court of the State of Idaho for the county within which such land may be situated shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of the State of Idaho provided for determining the damage when property is taken for railroad purposes, and such compensation shall be determined as provided for by the laws of the State of Idaho; and the amount of damages resulting to the tribe of Indians pertaining to such reservation in their tribal capacity by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, and the time and manner of making payment therefor, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval.

Tribal lands.

Maps to be filed.

SEC. 4. That said company shall cause maps showing the route of its line through said reservation and allotted lands, including the grounds for station buildings, depots, machine shops, side tracks, turn outs, and water stations, to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

Completion of construction.

SEC. 5. That the rights herein granted shall be forfeited by said company unless the road shall be constructed through the said reservation and allotted lands within three years after the passage of this Act.

Railroad rights on public lands.

18 Stat., 482.

SEC. 6. That nothing herein contained shall restrict or impair the rights which said company may now have or hereafter acquire to the benefits and provisions of the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States."

Approved, March 1, 1899.

Mar. 1, 1899.

30 Stat., 924.

CHAP. 324.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department and in full compensation for all offices the salaries for which are specially provided for herein, for the service of the fiscal year ending June thirtieth, nineteen hundred, and fulfilling treaty stipulations for the various Indian tribes, namely:

* * * * * * *

[30 Stat., 929.]
Investigation of alleged cutting of green timber, etc., Chippewa reservation, Minn.

The Secretary of the Interior is hereby authorized and directed to cause an investigation by an Indian inspector and a special Indian agent of the alleged cutting of green timber under contracts for cutting "dead and down," on the Chippewa ceded and diminished reservations in the State of Minnesota, and also whether the present plan of estimating and examining timber on said lands and sale thereof is the best that can be devised for protection of the interests of said Indians; and also in his discretion to suspend the further estimating, appraising, examining, and cutting of timber, and the sale of the same, and also suspend the sale of the lands in said reservation.

* * * * * * *

[30 Stat., 940.]
Approval of allotments to Uncompahgre Ute Indians.

The Secretary of the Interior is hereby authorized, in his discretion, to approve eighty-three allotments made by the Uncompahgre commission to Uncompahgre Ute Indians, within the former Uncompahgre Indian Reservation in Utah, after the first day of April, eighteen hundred and ninety-eight, and to issue patents therefore in manner and form as provided by existing law: *Provided*, That no allotment which conflicts with any entry or location under the Act approved June seventh, eighteen hundred and ninety-seven, declaring the unallotted lands of said reservation, except those containing gilsonite, asphalt, elaterite, or other like substances, open for entry and location on said date, shall be approved.

Proviso.
—limitation.
1897, ch. 3, ante, p. 621.

Uintah Reservation, Utah.
Grant of water rights in.
See note to 1888, c. 310, ante, p. 271.

That the Secretary of the Interior be, and he is hereby authorized, in his discretion, to grant rights of way for the construction and maintenance of dams, ditches, and canals, on or through the Uintah Indian Reservation in Utah, for the purpose of diverting and appropriating the waters of the streams in said reservation for useful purposes: *Provided*, That all such grants shall be subject at all times to the paramount rights of the Indians on said reservation to so much of said waters as may have been appropriated, or may hereafter be appropriated or needed by them for agricultural and domestic purposes; and it shall be the duty of the Secretary of the Interior to prescribe such rules and regulations as he may deem necessary to secure to the Indians the quantity of water needed for their present and prospective wants, and to otherwise protect the rights and interests of the Indians and the Indian service.

Proviso.
Rights of Indians paramount.
Regulations.

* * * * * * *

Yakima Reservation.
Leases of agricultural lands by Indians authorized.

That the Indians of the Yakima Indian Reservation, to whom lands have been allotted under the laws of the United States, may lease their lands so allotted for agricultural purposes for a term not exceeding five years, under such rules and regulations as are or may be prescribed by the Secretary of the Interior, anything in the law now limiting the term to a shorter term notwithstanding.

* * * * * * *

[30 Stat., 946.]
Sisseton and Wahpeton bands, Dakota, or Sioux Indians, etc.
Restrictions on attorneys' contracts for services.
Ante, p. 431.

SEC. 2. And nothing in section twenty-seven of chapter five hundred and forty-three, volume twenty-six, of the United States Statutes at Large, pages one thousand and thirty-eight and one thousand and thirty-nine, shall be construed to apply to any contract for services for the prosecution of any claim against the United States, or the Indians named in said section, and which had been prosecuted to its final allowance by the Department before which it was prosecuted within the period stated in said contracts; and said contracts shall not be deemed or taken to have been in full force and legal effect until the date of their official approval by the Secretary of the Interior and the Commissioner of Indian Affairs, and the date of the approval thereof officially indorsed thereon by said Secretary of the Interior and Commissioner of Indian Affairs, as required by the provisions of the fourth paragraph of section twenty-one hundred and three of the Revised Statutes of the United States; and in cases mentioned in said section twenty-seven the Secretary of the Interior shall cause all claims for service under agreements mentioned in said section twenty-seven to be adjusted, audited, allowed, and paid out of any moneys in the Treasury belonging to the bands or tribes to which such Indians belong; and so much money as is necessary for that purpose is hereby appropriated out of

—not applicable to contracts allowed within time stated in contract, etc.
Legal effect of contract to date from approval, etc.
R. S., sec. 2103.

Adjustment and allowance of.

Appropriation for payment.

their funds in the Treasury, and the amount so paid shall be charged against any fund to the credit of said Indians, tribes, bands, or individuals in the Treasury of the United States: *Provided*, That the amount so audited, allowed, and paid shall not exceed the sum of forty-five thousand dollars.

Proviso.
—limit.

*   *   *   *   *   *   *

[30 Stat., 947.]
Crow Reservation, Mont.

Use of annuity money of Indians for irrigation.

See note to 1882, c. 74, ante, p. 195.

SEC. 6. * * * That with the consent of the Crow Indians in Montana, to be obtained in the usual way, the Secretary of the Interior, in his discretion, may use the annuity money due or to become due said Indians to complete the irrigation system heretofore commenced on said Crow Indian Reservation.

Approved, March 1, 1899.

Mar. 2, 1899.

30 Stat., 995.

CHAP. 380.—An act to amend an act entitled "An act authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," and extending the time for constructing and operating the said railway for two years from the fifth day of April, eighteen hundred and ninety-nine.

Time extended to Arkansas Northwestern Railway for completion of right of way through Indian Territory.
Ante, p. 592.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of the Act entitled "An Act authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," enacted March twenty-fifth, eighteen hundred and ninety-six, and in force April fifth, eighteen hundred and ninety-six, be, and the same is hereby, amended so as to read as follows:

"SEC. 8. That said railway company shall build at least one hundred miles of its railway within five years after the passage of this Act or the rights herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, roads, and highway crossings, and necessary bridges over said railway wherever said roads or highways do now or may hereafter cross said railway's right of way, or may be, by the proper authorities, laid out across the same."

Approved, March 2, 1899.

Mar. 3, 1899.

30 Stat., 1074.

CHAP. 424.—An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes.

Appropriations for sundry civil expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred, namely:

*   *   *   *   *   *   *

[30 Stat., 1102.]
Great Sioux Indian Reservation, Dakota.
Ante, p. 328.

Settlers may commute.
—payment.

That all persons who may have heretofore settled upon that portion of the Great Sioux Indian Reservation which was opened up to settlement under and by virtue of the Act of March second, eighteen hundred and eighty-nine, entitled "An Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," may secure patents for the lands embraced in their entry upon making the payments required in section twenty-one of said act of March second, eighteen hundred and eighty-nine, above referred to, and no other or further payment shall be required of said claimants, whether proof and payment be made after fourteen months or five years from the date of settlement upon said land.

*   *   *   *   *   *   *

Approved, March 3, 1899.

Mar. 3, 1899.
30 Stat., 1362.

CHAP. 450.—An act to ratify agreements with the Indians of the Lower Brule and Rosebud reservations in South Dakota, and making an appropriation to carry the same into effect.

Agreement with Indians of Lower Brulé and Rosebud reservations.

Whereas James McLaughlin, United States Indian inspector, did on the first day of March, eighteen hundred and ninety-eight, make and conclude an agreement with the male adult Indians of the Lower Brule band of the Sioux tribe, occupying or belonging on the Lower Brule Reservation in South Dakota, which said agreement is as follows:

AGREEMENT.

This Agreement made and entered into on the first day of March, eighteen hundred and ninety-eight, by and between James McLaughlin, U. S. Indian Inspector, on the part of the United States, and the Lower Brule band of the Sioux tribe of Indians occupying or belonging on the Lower Brule reservation, in South Dokota, witnesseth:

ARTICLE 1. The said Indians belonging on the Lower Brule Reservation hereby consent and agree that those of their tribe now south of the White River on the Rosebud Indian Reservation, South Dakota, may remain thereon; that they may take with them and have converted into the permanent fund of the Indians belonging upon the Rosebud Reservation their proportional or pro rata share of the funds now in the Treasury of the United States to the credit of the Indians belonging upon the Lower Brule Reservation; and that the Lower Brule Indians who have so removed may become and are hereafter to be considered Indians of the Rosebud Reservation.

Lands relinquished.

ARTICLE 2. In consideration of the lands upon the Lower Brule Reservation abandoned by the Indians who have removed to the Rosebud Reservation, and in order that the United States may reimburse itself for the lands purchased for the Indians last mentioned upon the Rosebud Reservation, the said Indians of the Lower Brule Reservation do hereby cede and relinquish to the United States a tract of territory constituting a portion of the Lower Brule Reservation, and estimated to contain about one hundred and twenty thousand (120,000) acres, described as follows:

Townships 107, 108 and 109, N. Range 79 W. of the 5th Principal Meridian; also Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, and west half of Sections 2, 11, 14, 23, 26 and 35, in Township 109 N. Range 78 W. of 5th Prin. Mer.; also Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, in Township 108 N. Range 78 W. of 5th Prin. Mer.; also Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, in Township 107 N. Range 78 W. of 5th Prin. Mer.; also north ½ of Sections 3, 4, 5 and 6 of Township 106 N. Range 78 W. of 5th Prin. Mer.; and north ½ of Sections 1, 2, 3, 4, 5 and 6 of Township 106 N. Range 79 W. of 5th Prin. Mer. The same being the western portion of the Lower Brule Indian Reservation from its northern boundary to its southern boundary as herein described.

Reallotment.

Provisos.
Children born prior to reallotment.

Ante, p. 328.

Division of allotment between husband and wife.

ARTICLE 3. It is hereby further agreed that a re-allotment shall be made by the United States to the Indians remaining upon the Lower Brule reservation within the diminished portion thereof: *Provided*, That all children born prior to the time of making such re-allotment shall receive allotments of land in manner and quantity as provided in Section eight of the Act of Congress, approved March second, eighteen hundred and eighty-nine: *And Provided Further*, That instead of giving an allotment of 320 acres of agricultural or double that quantity of grazing land to the head of a family as provided in said section eight, one-half of that quantity shall be allotted to the husband and one-half to the wife, where both are living and otherwise entitled to the benefits accruing to Indians belonging upon said reservation.

School.

ARTICLE 4. The United States hereby agrees to maintain and continue the Lower Brule Agency and Agency Boarding School as at present for those Indians who remain upon the Lower Brule Reservation.

Ratification necessary.

ARTICLE 5. This agreement shall not take effect and be in force until ratified by Act of Congress of the United States.

Signatures.

Dated and signed at the Lower Brule Agency, South Dakota, on the first day of March, eighteen hundred and ninety-eight.

JAMES MCLAUGHLIN, (SEAL)
U. S. Indian Inspector.

1. BIG MANE (his x mark) (SEAL)
2. BLACK ELK (his x mark) (SEAL)
3. CHAS DE SHEUQUETTE (his x mark) (SEAL)

(and two hundred and forty (240) others)

I hereby certify that at the request of Indian Inspector McLaughlin, I read the foregoing Agreement in open council to the Indians of the Lower Brule Agency, parties thereto, and that it was explained to them through the interpreters, paragraph by paragraph.

B. C. ASH,
U. S. Indian Agent

LOWER BRULE AGENCY, S. D.
March 1st, 1898.

We hereby certify that the foregoing Articles of Agreement were fully explained in open council to the Indians of Lower Brule Agency, parties hereto, and were thoroughly understood by them before signing the same, and that the Agreement was duly executed and signed by said Indians.

ALEX. RENCOUNTRE,
Official Interpreter.
GEORGE ESTES,
Special Interpreter.

LOWER BRULE AGENCY, S. D.
March 1st, 1898.

Witnesses to the foregoing Agreement, signatures of Inspector and the 243 Indians whose names appear as parties thereto.

B. C. ASH,
U. S. Indian Agent.
GEORGE S. STONE,
Agency Clerk.
J. R. COLLARD,
Agency Physician.

LOWER BRULE AGENCY, S. D.
March 1st, 1898.

I certify that the total number of male Indians over eighteen (18) years of age belonging on this reservation, is two hundred and sixty-eight (268), of whom two hundred and forty-three (243) have signed the foregoing Agreement.

B. C. ASH,
U. S. Indian Agent.

LOWER BRULE AGENCY, S. D.
March 1st, 1898.

I certify that the official records of the Lower Brule Agency show two hundred and sixty-eight (268) male adult Indians over eighteen (18) years of age, residing on or belonging to the Lower Brule Reservation, two hundred and forty-three (243) of whom have duly signed the foregoing Agreement.

James McLaughlin,
U. S. Indian Inspector.

Lower Brule Agency, S. D.
March 1st, 1898.

And

Agreement with Indians on the Rosebud Reservation, S. Dak.

Whereas James McLaughlin, United States Indian inspector, did on the tenth day of March, eighteen hundred and ninety-eight, make and conclude an agreement with the male adult Indians of the Sioux tribe, on or belonging on the Rosebud Indian Reservation in the State of South Dakota, which said agreement is as follows:

AGREEMENT.

This Agreement made and entered into on the tenth day of March, eighteen hundred and ninety-eight, by and between James McLaughlin, U. S. Indian Inspector, on the part of the United States, and the Sioux tribe of Indians belonging on the Rosebud Indian Reservation, in South Dakota, witnesseth:

—consent of, to allotment, etc., to Lower Brule Indians.

Ante, p. 330.

Article 1. The Indians of the Rosebud Indian Reservation hereby give their permission and consent for the Indians of the Lower Brule Reservation, in South Dakota, who have left the same and settled upon the Rosebud Reservation, to remain thereon and take allotments of lands in severalty as provided in Section eight of the Act of Congress, approved March two, eighteen hundred and eighty-nine modified as hereinafter provided.

Consideration.

Article 2. In consideration for the permission and consent aforesaid it is hereby agreed that the United States shall pay the Indians of the Rosebud Reservation, as now constituted, excluding the said Indians who have removed to the Rosebud reservation from the Lower Brule Reservation, pro rata, in cash, at the rate of one dollar and twenty-five cents ($1.25) per acre for the lands allotted to the Indians of the Lower Brule Reservation, as provided in Article 1 of this agreement; and it is understood and agreed that the Indians of the Rosebud Reservation shall not be dependent upon the funds of the Lower Brule Indians for such payment, but the same shall be made to them directly by the Government of the United States.

Rights of Lower Brule Indians settled on Rosebud Reservation.

Proviso.
—to have no further interest in Lower Brule Reservation.

Article 3. It is further provided and agreed that the Lower Brule Indians who have permanently located upon the Rosebud reservation shall have their pro rata or proportional share of the tribal funds, now in the Treasury of the United States, belonging to the Indians of the Lower Brule Reservation, transferred to and consolidated with the funds of the Indians belonging on the Rosebud Reservation, and that hereafter they shall be regarded in all essential respects as Indians of the Rosebud Reservation, and their annuities and other benefits from the Government, whether derived from treaty provisions, or otherwise, shall be distributed to them at the Rosebud Agency, or a sub-agency connected therewith; *Provided*, That the Lower Brule Indians who have so located upon the Rosebud Reservation shall have no further interest in the Lower Brule Reservation, or the lands comprising the same, after their interest in the tribal funds has been transferred to the Rosebud funds as above stipulated.

Allotments to children.

Ante, p. 330.

Proviso.
—division of allotment between husband and wife.

Article 4. It is hereby agreed on the part of the United States that allotments in severalty shall be made to all children born prior to the date of the ratification of this agreement, then living, in manner and quantity as provided in Section eight of said Act of March two, eighteen hundred and eighty-nine; *Provided*, That in future allotments upon the Rosebud Reservation, instead of allotting 320 acres of agricultural or double that quantity of grazing land to the head of a family, as provided in said Section eight, one half of said quantity shall be allotted to the husband and one half to the wife, where both are living and otherwise entitled to the benefits accruing to the Indians belonging upon said reservation; *Provided Further*, that the allotments heretofore made on the Rosebud Reservation shall be revised in conformity with the preceding proviso. *And Provided Further*, That where any Indians to whom allotments in severalty have been made in the field, have since died, such allotments shall be duly completed and approved, and the lands shall descend to the heirs of such decedents in accordance with the provisions of section eleven of said Act last above mentioned.

Revision of provisions of allotment.

Completion of allotments, etc.

Ante, p. 331.

ARTICLE 5. This agreement shall not take effect and be in force until ratified by Act of the Congress of the United States.

Ratification necessary.

Dated and signed at the Rosebud Agency, South Dakota, on the tenth day of March, eighteen hundred and ninety-eight.

JAMES MCLAUGHLIN, (SEAL)
U. S. Indian Inspector.

1. CHARLES C. TACKETT, (SEAL)
2. I. P. BETTELYOUN, (SEAL)
3. CLEMENT WHIRLWIND SOLDIER, (SEAL)
(and one thousand and twenty others).

I hereby certify that at the request of Indian Inspector McLaughlin I read the foregoing agreement in open council to the Indians of the Rosebud Agency, S. D., parties thereto, and that it was explained to them through the interpreters paragraph by paragraph.

CHAS. E. MCCHESNEY,
U. S. Indian Agent.

ROSEBUD AGENCY, S. D.,
March 10, 1898.

We hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Rosebud Agency, S. D.; that it was fully understood by them before signing, and that we witnessed the signatures of the Indians thereto; and we further certify that the foregoing names though similar in some cases represent different individuals in every instance.

LOUIS ROULIDEAU,
Official Interpreter.
THOMAS FLOOD,
Special Interpreter.

ROSEBUD AGENCY, S. D.,
March 10, 1898.

We certify that we witnessed the signatures of Indian Inspector McLaughlin and Indians to the foregoing agreement, parties thereto.

FRANK MULLIN,
Agency Clerk.
H. B. COX,
Assistant Clerk.
J. FRANKLIN HOUSE,
Day School Inspector.
H. J. CATON,
Farmer Cut Meat Creek District.
JOHN SULLIVAN,
Farmer Black Pipe Creek District.
FRANK SYPAL,
Farmer Butte Creek District.

ROSEBUD AGENCY, S. D.,
March 10, 1898.

I certify that the total number of male Indians over eighteen years of age belonging on this reservation is eleven hundred and sixty (1160), of whom ten hundred and twenty-three (1023) have signed the foregoing agreement.

CHAS. E. MCCHESNEY,
U. S. Indian Agent.

ROSEBUD AGENCY, S. D.
March 10, 1898.

I certify that the official records of Rosebud Agency, S. D., show eleven hundred and sixty adult male Indians over eighteen years of age belonging on the Rosebud Reservation, ten hundred and twenty-three of whom have signed the foregoing agreement, being one hundred and fifty-three (153) more than the three-fourths majority of the adult male Indians of Rosebud Agency.

JAMES MCLAUGHLIN,
U. S. Indian Inspector.

ROSEBUD AGENCY, S. D.
March 10, 1898.

Therefore,

Ratification. —Lower Brule Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement made and entered into on the first day of March, eighteen hundred and ninety-eight, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Lower Brule band of the Sioux tribe of Indians in South Dakota, be, and the same hereby is, accepted, ratified, and confirmed.

—Rosebud Indians.

SEC. 2. That the agreement made and entered into on the tenth day of March, eighteen hundred and ninety-eight, by and between James McLaughlin, United States Indian inspector, on the part of the United States and the Sioux tribe of Indians belonging to the Rosebud Indian Reservation in South Dakota, be, and the same is hereby, ratified and confirmed.

Appropriation.

SEC. 3. That for the purpose of making the payment to the Indians of the Rosebud Reservation stipulated for in article two of the foregoing agreement, the sum of one hundred and forty-eight thousand six hundred dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated: *Provided,* That the said payment is to be in full for all lands required by the said Lower Brule Indians for allotments in accordance with the provisions of article one of the aforesaid agreement.

Proviso. To be in full.

Approved, March 3, 1899.

Mar. 3, 1899.

30 Stat., 1368.

CHAP. 453.—An act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes.

Fort Smith and Western Railroad Company granted right of way through Choctaw and Creek nations, Indian Territory.

See note to 1898, c. 517, ante, p. 656.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Smith and Western Railroad Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Choctaw and Creek nations, in the Indian Territory, beginning at a point to be selected by said company on the western boundary line of the State of Arkansas at or near the city of Fort Smith, in Sebastian County, in said State, and running thence by the most feasible and practicable route in and through that part of the Indian Territory known as the Choctaw Nation in a southwesterly and westerly direction through the counties of Skullyville, San Bois, Gaines,

Location.

and Tobucksy, and crossing the Missouri, Kansas and Texas Railway, in said Choctaw Nation, at or near South Canadian; continuing thence westerly to the South Canadian River; continuing thence northwesterly and through the Creek Nation, Indian Territory, to a point on the western boundary thereof near the Sac and Fox Agency, said line forming a continuous line of railway with the line of said railway company which continues westward from said boundary line of the Creek Nation, as above set forth, into and through Oklahoma Territory, to Kingfisher, in said Oklahoma Territory, with a switch or spur line from the nearest feasible point on said line in the Choctaw Nation to a connection with the Saint Louis and San Francisco Railroad, at a point between Cedars Station and Backbone Tunnel, of about eight miles in length, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for. The railway so constructed shall be of standard gauge, and the railway shall be built as a standard railway and with rails weighing not less than sixty pounds to the yard.

Width.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway and telegraph and telephone line, and for no other purpose, a right of way one hundred feet in width through the said Choctaw and Creek nations for the said Fort Smith and Western Railroad Company, the same to be fifty feet on either side of the track of said railway from the center thereof, and, in addition to the above right of way, to take and use a strip of land one hundred feet in width, with a length of two thousand feet, for station purposes to the extent of one station for each ten miles of road, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed and track, not exceeding fifty feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines, and when any portion thereof shall cease to be so used, such portion shall revert to the Choctaw Nation or Creek Nation.

Additional land for stations.

Provisos. —limit.

Restricted use, etc.

Reversion.

Damages.

SEC. 3. That before said railway and telegraph and telephone line shall be constructed through any lands held by individual occupants according to the laws, usages, and custom of the Choctaw Nation or Creek Nation, respectively, or under any law or treaty with the United States, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway and telegraph and telephone line. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of disinterested referees, to be appointed—for the Choctaw Nation, one, who shall act as chairman, by the President; one by the principal chief of the Choctaw Nation, and one by the said railway company; and for the Creek Nation, one, who shall act as chairman, by the President; one by the principal chief of the Creek Nation, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe before a judge or clerk of a United States court or United States commissioner an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof; and upon the failure of either

Referees, appraisal by.

party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the judge of the United States court for the district of the Indian Territory in which the property sought to be condemned is situated upon the application of the other party. A majority of said referees shall be competent to act in case of the absence of a member, after due notice. The chairman of such board shall appoint the time and place for all hearings: *Provided*, That the hearings shall be within the county where the property is situated for which compensation is being assessed for the taking thereof or damage thereto, and at a place as convenient as may be for said occupant, unless the said occupant and said railway company agree to have the hearing at another place. Each of said referees shall receive for his services the sum of four dollars per day for each day he is actually engaged in assessing compensation, with mileage of five cents per mile for each mile necessarily traveled in the discharge of his duties. Said board of referees shall have power to call for and examine witnesses under oath, and said witnesses shall receive the usual fees allowed witnesses by the laws of the Choctaw Nation and Creek Nation, respectively. Costs, including compensation of the referees, shall be made a part of the award and be paid by the said railway company. In case the referees can not agree, then any two of them are authorized to make the award.

Proviso.
Hearings, etc.

Appeal, etc.

SEC. 4. That either party, being dissatisfied with the findings and award of the referees, shall have the right, within sixty days after the filing of the award as hereinbefore provided, and notice of the same, to appeal by original petition to the United States district court for the district of the Indian Territory sitting at the place nearest and most convenient to the land and property which is sought to be condemned; and said suit shall then proceed for determining the damage done to the property in the same and like manner as other civil actions in the said court. The said court shall have jurisdiction to hear and determine the subject-matter of said petition, and the same shall be heard and determined by said court in accordance with the laws now in force or hereafter enacted for the government of said court; and the measure of damages in condemning property authorized by this Act shall be that prescribed by the laws of the State of Arkansas, in so far as the same are not inconsistent with the laws now in force or hereafter enacted for the government of the United States courts in said Choctaw and Creek nations in such cases. If the judgment of the court shall be for a larger sum than the award of the referees, the costs of the litigation shall be adjudged against the railway company; and if the judgment of the court shall be for the same as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the appellee. When proceedings shall have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then shall have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad and telegraph and telephone line. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction.

Costs.

Work may begin on depositing double award.

Crossings.

SEC. 5. That said railway company is authorized, and hereby given the right, to connect or cross with its tracks the tracks and railroad of any other company or person owning or operating a railway in the said Choctaw or Creek Nation. In case of failure to make amicable settlement with any such corporation or person for such crossing, such compensation shall be determined in the same manner as hereinbefore provided for determining the compensation for land and other property taken and damaged.

Freight charges.

Provisos.
Passenger rates.
Regulation.

Limit passenger rates.

Mail.

SEC. 6. That said railway company shall not charge the inhabitants of said nations a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said nations within the limits of which said railway, or a part thereof, shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits of said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Additional compensation to tribes.

Provisos.
Appealed by general councils.

Award to be in lieu of compensation.

Annual rental.

Additional taxes.

Survey, etc.

SEC. 7. That said railway company shall pay to the Secretary of the Interior, for the benefit of the Choctaw Nation and Creek Nation, respectively, the sum of fifty dollars in addition to the compensation provided for in this Act, for property taken and damages done to individual occupants by the construction of the railway for each mile of railway that it may construct in said nations, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of either the Choctaw Nation or Creek Nation, within four months after the filing of maps of definite location as hereinafter set forth, dissents from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to said nations under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or nations shall be in lieu of the compensation said nation or nations would be entitled to receive under the foregoing provision except the annual tax herein provided for. Said company shall also pay, so long as said territory is owned and occupied by the Choctaw Indians or Creek Indians, respectively, to the Secretary of the Interior, the sum of fifteen dollars per annum for each mile of railway it shall construct in the said nations, respectively. The money paid to the Secretary of the Interior under the provisions of this Act shall be disbursed by him in accordance with the laws and treaties now in force within said nations: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations, to impose such additional taxes upon said railway as it may deem just and proper for the benefit of said nations, and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

SEC. 8. [See substitute for sec. 8, in act of 1900, chapter 546, post, page 700.]

Employees may reside on right of way.

SEC. 9. That the officers, servants, and employees of said company necessary to the construction and management of said railroad shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Construction.

SEC. 10. That said railway company shall build at least seventy-five miles of its railway in said nations within three years after the passage of this Act and complete the same within three years thereafter, or the rights herein granted shall be forfeited as to that portion not built.

Crossings, etc.

That said railway company shall construct and maintain continually all roads and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 11. That the said Fort Smith and Western Railroad Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist any effort looking toward the changing or extinguishing the present tenure of the Choctaw Indians or Creek Indians in their land, and will not attempt to secure from the Choctaw Nation or Creek Nation any further grant of land or its occupancy than is hereinbefore provided:

Proviso.
Violation of forfeit.

Provided, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Record of mortgages.

SEC. 12. That all mortgages, deeds of trust, and other conveyances executed by said railway company, conveying any portion of its railway, telegraph, and telephone lines, with its franchises, that may be constructed in said Choctaw Nation and Creek Nation shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution and shall convey all rights and property of said company as therein expressed.

Amendment.

SEC. 13. That Congress may at any time amend, add to, alter, or repeal this Act.

Assignment, etc., of right of way.

SEC. 14. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Approved, March 3, 1899.

May 27, 1898.

30 Stat., 745.

RESOLUTION No. 40.—Joint resolution declaring the lands within the former Mille Lac Indian Reservation, in Minnesota, to be subject to entry under the land laws of the United States.

Public lands.
Lands in Mille Lac Indian Reservation, Minn., open to entry.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all public lands formerly within the Mille Lac Indian Reservation, in the State of Minnesota, be, and the same are hereby, declared to be subject to entry by any bona fide qualified settler under the public land laws of the United States; and all preemption filings heretofore made prior to the repeal of the preemption law by the Act of March third, eighteen hundred and ninety-one, and all homestead entries or applications to make entry under the homestead laws, shall be received and treated in all respects as if made upon any of the public lands of the United States subject to preemption or homestead entry:

26 Stat., 1097.

Proviso.
Reservation of Indian burial place.

Provided, That lot four in section twenty-eight, and lots one and two in section thirty-three, township forty-three north, of range twenty-seven west of the fourth principal meridian, be, and the same are hereby, perpetually reserved as a burial place for the Mille Lac Indians, with the right to remove and reinter thereon the bodies of those buried on other portions of said former reservation.

Approved, May 27, 1898.

ACTS OF FIFTY-SIXTH CONGRESS—FIRST SESSION, 1900.

Mar. 28, 1900.

31 Stat., 52.

CHAP. 111—An act enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

Choctaw, Oklahoma and Gulf Railroad.
Repeal of limitation as to constructing brances.
Ante pp. 549 and 595.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitations imposed by the proviso to section four of the Act approved August twenty-fourth, eighteen hundred and ninety-four, entitled "An Act to authorize the purchasers of the property and franchises of the Choctaw Coal and Railroad Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company," or by any Act amendatory of said Act upon the power of the Choctaw, Oklahoma and Gulf Railroad Company, the corporation organized thereunder, to construct branches authorized by said section four of said Act of August twenty-fourth, eighteen hundred and ninety-four, are hereby repealed, except in so far as these limitations require the filing of maps of the said branches with the Secretary of the Interior and his approval of the same.

—except.

Construction through Indian reservations, etc.

SEC. 2. That the powers heretofore conferred upon the said Choctaw, Oklahoma and Gulf Railroad Company by the said act of August twenty-fourth, eighteen hundred and ninety-four, and the Acts amendatory thereof, shall be so construed as to authorize the construction and operation of the railroad and branches thereby or hereby authorized through and over any Indian reservations, subject to the payment of the compensation provided for in said Acts as to land in the Indian Territory, and through and over any Indian allotments, subject to the compensation provided by the laws of Oklahoma.

Company may purchase, etc., railroads forming continuous lines with it.

SEC. 3. That it shall and may be lawful for the Choctaw, Oklahoma and Gulf Railroad Company to purchase the franchises, railroad and other property of, or to consolidate with, any other railroad company incorporated under the laws of any State or Territory of the United States whose lines may now or hereafter form a continuous line of railroad with it, either directly or by means of an intervening railroad, upon complying with the regulations and requirements of the laws of the State or Territory in which such road is located, applicable to such purchase or consolidation.

—may increase its stock.

—may guarantee bonds, etc., of property acquired.

Proviso.
—or leased.

SEC. 4. That for the purpose of perfecting such purchase or consolidation it shall be lawful for said Choctaw, Oklahoma and Gulf Railroad Company to increase its stock, either preferred or common or both, and to guarantee the payment of the principal and interest of the bonds and other obligations of any company whose property is thus acquired, or of dividends on its preferred or guaranteed stock: *Provided also*, That the power conferred by this section shall also extend to like guaranties of the bonds, obligations, and dividends on stocks of companies whose roads may now or hereafter be leased to the said Choctaw, Oklahoma and Gulf Railroad Company.

Increase of stock authorized.

SEC. 5. That for the purpose of providing means for the construction of its railroad and branches, the acquisition of additional property, the payment of its obligations, or for other corporate purposes, the said Choctaw, Oklahoma and Gulf Railroad Company is authorized to increase from time to time its issue of preferred and common stock, and to dispose of the same upon such terms as may be deemed necessary. Before any such increase shall be made the same shall have been authorized by the holders of a majority of the then outstanding stock of the company, voting in person or by proxy, at a meeting duly called by the board of directors of the company, which shall be held at the general office of the company, of which meeting notice shall have been given by advertisement once a week for sixty days prior to such meeting, in at least one newspaper published in the city or county wherein such principal office is situate.

Approved, March 28, 1900.

Apr. 4, 1900.

31 Stat., 59.

CHAP. 156.—An act approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas.

Oto and Missouri Indians, Nebraska and Kansas.

Revision of sale of land in reservation of, confirmed.

See note to 1881, c. 138, ante, p. 190.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the revision and adjustment of the sales of lands in the late reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, to which more than three-fourths of the adult male members of said tribes have given their consent, by an instrument in writing dated the twentieth day of November, eighteen hundred and ninety-nine, and now on file in the office of the Secretary of the Interior, is hereby approved and confirmed, and the Secretary of the Interior is hereby directed to carry the same into full force and effect as to all delinquent purchasers of said lands, their heirs and legal representatives, in the following manner, to wit: The Secretary of the Interior shall cause notice to be given to said purchasers, their heirs and legal representatives, respectively, of the amounts of the deferred payments found to be due and unpaid on their respective purchases under the adjustment hereby confirmed; and within one year thereafter it shall be the duty of such purchasers, their heirs and representatives, respectively, to make full payment in cash of the amounts thus found to be due by them, severally, and in default of such payment within said period of one year the entry of any purchaser so in default shall be forthwith canceled and the lands shall be resold for the benefit of the Indians at not less than the appraised value thereof, and in no case at less than two dollars and fifty cents per acre, as provided in the Act under which they were originally sold. Upon making such complete payment within the time so fixed each purchaser, his heirs or legal representatives, shall be entitled to receive a patent for the lands so purchased.

—manner of enforcing as to delinquent purchasers.

Approved, April 4, 1900.

Apr. 17, 1900.

31 Stat., 134.

CHAP. 193.—An act granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota.

Minnesota and Manitoba Railroad granted right of way through Chippewa (Red Lake) Indian Reservation, Minn.

See note to 1889, c. 24, ante, p. 302.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Minnesota and Manitoba Railroad Company, a corporation organized and existing under the laws of the State of Minnesota, and its successors and assigns, the right of way of said railroad, with necessary side tracks and switch tracks, and for telegraph and telephone lines, through the ceded lands of what was formerly the Red Lake Indian Reservation, which railroad commenced at a point at or near the terminus of the Manitoba and Southeastern Railway, on the boundary line between the State of Minnesota and the province of Manitoba; thence in a southeasterly direction through townships one hundred and sixty-four, one hundred and sixty-three, one hundred and sixty-two, one hundred and sixty-one, one hundred and sixty to a point on Rainy River, forming the northeastern boundary of the State of Minnesota, at or near the mouth of the Baudette River, in the State of Minnesota, which right of way shall be fifty feet in width on each side of the central line of said railroad. And said company shall also have the right to take from lands, to which there is no prior valid claim and which have not been appraised for sale as pine lands, lying adjacent to the line of said railroad, material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, turntables, water stations, and such other structures at such points as

—width.

Materials.

Additional ground for stations, etc.

Proviso.
—use restricted.

the said railroad company may deem to their interest to erect, not to exceed three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road, except at the crossing of said Rainy River, at which point said railroad company may take not exceeding forty acres in addition to the grounds allowed for station purposes for the corresponding section of ten miles: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction, maintenance, and convenient operation of said railroad.

Damages.

—Jurisdiction.

Plats.

Proviso.
Rights of Indians to be preserved.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvements held by individual occupants according to any custom of the tribes, treaties, or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of such railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Minneapolis, Minnesota, shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes. The amount of damages resulting to the tribes of Indians, in their tribal capacity, by reason of the construction of said railroad through such ceded lands of the former Red Lake Reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval; but no right of any kind shall vest in said railroad company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall have been approved by the Secretary of the Interior, and until compensation aforesaid shall have been fixed and paid: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians.

Maps.

SEC. 3. That said company shall file maps showing the definite location of the line of road and station grounds in the local land office for the district in which the land lies, and upon approval thereof by the Secretary of the Interior the grant of right of way shown thereon shall relate back to the date of such filing. Upon the completion of the road the company shall file an affidavit of its engineer and a certificate of its president as evidence thereof.

Surveys.

SEC. 4. That said company is hereby authorized to enter upon said ceded lands for the purpose of surveying and locating its line of railroad.

Completion.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said ceded lands within two years after the passage of this Act.

Railroad rights.

SEC. 6. That nothing herein contained shall restrict or impair the rights which said company may now have or hereafter acquire to the benefits and provisions of the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States."

Amendment.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act, or any part thereof.

Approved, April 17, 1900.

May 24, 1900.
31 Stat., 182.

Chap. 546.—An act to amend section eight of the act of Congress entitled "An act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes."

Right of way of Fort Smith and Western Railroad through Choctaw and Creek nations, Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of the Act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes, be, and the same is hereby, amended to read as follows:

Maps of route to be filed.

1899, c. 453, ante, p. 695.

Provisos.
—of first 80-mile section.

—remaining sections.

Bridges authorized.

Changes, etc.

"Sec. 8. That said company shall cause maps, showing the route of its located lines through said nations, to be filed in the office of the Secretary of the Interior and also to be filed in the office of the principal chiefs of said nations; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map or maps of the first eighty miles of said line from Fort Smith to a crossing of the Missouri, Kansas and Texas Railroad at or near South Canadian shall be filed in the office of the Secretary of the Interior, the same may be approved by the Secretary of the Interior to authorize the commencement of construction of said eighty-mile section: *Provided further*, That a map or maps showing (sections of at least twenty-five miles in length) of the remaining portion of said line in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of any such said remaining section shall be commenced; and said company shall have the right to build in the line of said railroad a bridge across the Poteau River and bridges across the two forks of the Canadian River crossed by said line, but the plan of construction of said bridges shall be first approved by the Secretary of War: *Provided further*, That said railway company can change its located line after the approval of its map by the Secretary of the Interior in such cases where the topography of the country, in the opinion of the president of the railway company, justifies such change; but such change of line shall not vary more than five miles in either direction from the location shown on the map so approved, and an additional map showing such change shall be filed with and approved by the Secretary of the Interior before the construction of that portion of the road shall be commenced, and thereupon shall have the same force and effect as if originally filed with and approved by him.

Approved, May 24, 1900.

May 31, 1900.
31 Stat., 221.

Chap. 598.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Indian Department appropriations.
See general provisions of this act, ante, p. 105.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * * * * * * * * * *

[31 Stat., 229.]
Recording chattel mortgages in Quapaw Agency.
See note to 1872, c. 309, ante, p. 136.

That hereafter all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose.

* * * * * * * * * * * * * * *

[31 Stat., 240.]
Seminole Indians.
Payment of balance of awards.

That the Secretary of the Treasury be, and he is hereby, authorized to pay the balance of awards made to the loyal Seminole Indians under the direction of the Secretary of the Interior, with interest thereon, as

Vol. 2, p. 910.
Ante, p. 682.

Proviso.
—payment to heirs of deceased Seminole.

per articles three and four of the treaty of March twenty-first, eighteen hundred and sixty-six, and paragraph fourteen of the agreement of December sixteenth, eighteen hundred and ninety-seven, such payment to be in full settlement and satisfaction of all claims under said articles and paragraph; and the sum of one hundred and eighty-six thousand dollars is hereby appropriated for the purpose: *Provided*, That if any of the said loyal Seminoles whose names are on the lists of awards as made up in pursuance of said treaty of eighteen hundred and sixty-six shall have died, then the amount due such deceased persons, respectively, shall be paid to their legal heirs, and the acceptance of the sum hereby appropriated shall be in full settlement of said awards.

* * * * * * *

[31 Stat., 245.]
Proviso.
Push-e-ten-neke-que.
Annuity.
Sauk and Foxes of the Mississippi.
Vol. 2, p. 546.

That the Secretary of the Interior is directed to pay to Push-e-ten-neke-que, head chief of the Sac and Fox of the Mississippi Indians located in the State of Iowa, five hundred dollars per annum during the remainder of his natural life, beginning with and including the fiscal year nineteen hundred, in accordance with the terms of article four of the treaty proclaimed March twenty-third, eighteen hundred and forty-three.

* * * * * * *

[31 Stat., 246.]
Yakima Reservation, Wash.
Leases authorized.

2. * * * That the Indians to whom lands have been allotted on the Yakima Reservation in the State of Washington shall be permitted to lease unimproved allotted lands, for agricultural purposes, for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.

* * * * * * *

[31 Stat., 247.]
Proviso.
Crow Reservation, Mont.
Use of annuity money of Indians for irrigation.

4. * * * That with the consent of the Crow Indians in Montana, to be obtained in the usual way, the Secretary of the Interior, in his discretion, may use the annuity money due or to become due said Indians to complete the irrigation system heretofore commenced on said Crow Indian Reservation.

* * * * * * *

Citizen Band of Potawatomi Indians and Absentee Shawnee Indians of Oklahoma.
Adult heirs of deceased allottee may sell inherited lands, etc.
Ante, p. 529.

[31 Stat., 248.]
Ante, p. 414.

SEC. 7. That the proviso to the Act approved August fifteenth, eighteen hundred and ninety-four, permitting the sale of allotted lands by members of the Citizen Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma is hereby extended so as to permit the adult heirs of a deceased allottee to sell and convey the lands inherited from such decedent; and if there be both adult and minor owners of such inherited lands, then such minors may join in a sale thereof by a guardian, duly appointed by the proper court, upon an order of such court made upon petition filed by such guardian, all conveyances made under this provision to be subject to the approval of the Secretary of the Interior; and any Citizen Pottawatomie or Absentee Shawnee not residing upon his allotment, but being an actual resident of another State or Territory, may in like manner sell and convey all the land allotted to him.

Further extension of act.
Ante, p. 530.

Purchasers may sell, etc.

That such proviso of the Act approved August fifteenth, eighteen hundred and ninety-four, as herein enlarged, is hereby extended to those members of the Citizen Band of Pottawatomie Indians and the Absentee Shawnee Indians who were given allotments under the Act approved the twenty-third day of May, eighteen hundred and seventy-two, and to their heirs; and any purchasers of Indian blood of lands sold under the provisions of the Act last named, or their heirs, who may own other allotted lands under any Act of Congress, may sell all the lands so owned by them in excess of eighty acres, the restrictions against sales by allottees under the Act last named to others than the United States or persons of Indian blood being hereby removed; and all such conveyances shall hereafter be subject to the approval of the Secretary of the Interior.

Act extended to heirs of allottees of Peoria and Miami Indians.

See note to 1872, c. 202, ante, p. 183.

That the provisions hereof as to the sale of inherited lands by heirs of deceased allottees of the Citizen Band of Pottawatomie Indians and Absentee Shawnee Indians are hereby extended and made applicable to the heirs of allottees of the Peoria and Miami Indians, who were authorized by the Act approved June seventh, eighteen hundred and ninety-seven, to sell a portion of their lands, and all sales and conveyances of lands of deceased allottees by their heirs, which have been duly made and executed by such heirs and duly approved by the Secretary of the Interior, are hereby ratified and confirmed.

Approved, May 31, 1900.

June 2, 1900.

31 Stat., 250.

Chap. 610.—An act to ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians.

Seminole Indians.
Agreement with, as to rolls of citizens, etc.
Preamble.

See note to 1898, c. 542, ante, p. 662.

Whereas an agreement was made by Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, the commission of the United States to the Five Civilized Tribes, and John F. Brown and K. N. Kinkehee, commissioners on the part of the Seminole tribe of Indians, on the seventh day of October, eighteen hundred and ninety-nine, as follows:

Commissioners.

"This agreement by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Seminole tribe of Indians, in Indian Territory, of the second part, entered into in behalf of said tribe by John F. Brown and K. N. Kinkehee, commissioners duly appointed and authorized thereunto, witnesseth:

Who may be enrolled.
Ante, p. 92.

"First. That the Commission to the Five Civilized Tribes, in making the rolls of Seminole citizens, pursuant to the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, shall place on said rolls the names of all children born to Seminole citizens up to and including the thirty-first day of December, eighteen hundred and ninety-nine, and the names of all Seminole citizens then living; and the rolls so made, when approved by the Secretary of the Interior, as provided by said Act of Congress, shall constitute the final rolls of Seminole citizens, upon which the allotment of lands and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons.

Rolls to be final.

Laws of descent.

"Second. If any member of the Seminole tribe of Indians shall die after the thirty-first day of December, eighteen hundred and ninety-nine, the lands, money, and other property to which he would be entitled if living, shall descend to his heirs who are Seminole citizens, according to the laws of descent and distribution of the State of Arkansas, and be allotted and distributed to them accordingly: *Provided*, That in all cases where such property would descend to the parents under said laws the same shall first go to the mother instead of the father, and then to the brothers and sisters, and their heirs, instead of the father.

Proviso.
—to parents, etc.

"Third. This agreement to be ratified by the general council of the Seminole Nation and by the Congress of the United States.

"In witness whereof the said commissioners hereunto affix their names, at Muskogee, Indian Territory, this seventh day of October, eighteen hundred and ninety-nine.

Signatures.

"HENRY L. DAWES,
"TAMS BIXBY,
"ARCHIBALD S. MCKENNON,
"THOMAS B. NEEDLES,
"Commission to the Five Civilized Tribes.
"JOHN F. BROWN,
"K. N. KINKEHEE,
"Seminole Commissioners."

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same be, and is hereby, ratified and confirmed, and all laws and parts of laws inconsistent therewith are hereby repealed.

Ratification.
Repeal.

Approved, June 2, 1900.

June 6, 1900.
31 Stat., 658.

CHAP. 798.—An act to authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory.

Seneca Telephone Company may construct lines in Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Seneca Telephone Company, organized and incorporated under the laws of the State of Missouri, is hereby authorized and empowered to construct and maintain telephone lines from Seneca, in the State of Missouri, to the Quapaw Agency, and to Wyandotte, Grand River, Fairland, Oseuma, Afton, and Vinita, in the Indian Territory, subject to the rules and regulations prescribed by the Secretary of the Interior, and to be approved by the Secretary of the Interior: *Provided*, That cities and towns into or through which such telephone lines may be constructed shall have the power to regulate the manner of construction therein, and the said company shall be subject to such municipal and Territorial taxation as may be provided for by law.

Proviso.
Municipal control.

SEC. 2. That Congress hereby expressly reserves the right to regulate the tolls or charges of said telephone lines constructed in the Indian Territory by said company.

Tolls.

Approved, June 6, 1900.

June 6, 1900.
31 Stat., 659.

CHAP. 799.—An act to provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas.

Osage trust, etc., lands, Kans.
Sale of isolated tracts, etc., of, authorized.
See note to 1872, ch. 310, ante p. 137.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall cause to be duly proclaimed and offered at public sale, in the manner prescribed for the offering of public lands, all isolated or disconnected tracts or parcels of lands of one quarter section or less of the Osage trust and diminished reserve lands within the State of Kansas for which no application has been filed under the provisions of existing laws in relation thereto, but not more than one quarter section shall be sold to any one purchaser under the provisions of this Act. Such lands shall be offered for sale by advertisement for not less than thirty days in two newspapers in the proper land district, and by posting in the proper local land office for the same period, and upon the day named in such notice shall be sold for cash to the highest bidder at not less than the price fixed by law: *Provided*, That any settler upon any of said lands shall be permitted, at any time prior to the sale of the particular tract claimed by him, to file his application and submit

—limit to one purchaser.

Advertisement.

Proviso.
Rights of settlers.

Unsold lands subject to private entry.
1882, ch. 390, ante p. 209.

proof therefor in accordance with existing laws. If any of said lands remain unsold after the offering as aforesaid they shall be subject to private entry, for cash, in tracts not exceeding one quarter section by one purchaser.

Sale of lands isolated by disposal of surrounding lands.
R. S., sec. 2455.
28 Stat., 687.

SEC. 2. That any such tracts or parcels of land that may become isolated or disconnected by the disposal of surrounding lands, after the offering provided for in the preceding section of this Act, shall be subject to disposal under the provisions of section twenty-four hundred and fifty-five of the Revised Statutes of the United States as amended by the Act of February twenty-sixth, eighteen hundred and ninety-five, except that it shall not be necessary that said lands shall have been subject to homestead entry for three years prior to such sale.

Approved, June 6, 1900.

June 6, 1900.
31 Stat., 672.

CHAP. 813.—An act to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.

Agreement with Shoshoni and Bannock Indians of the Fort Hall Reservation, Idaho.
Preamble.
See note to 1889, c. 288, ante, p. 314.
Commissioners.
See note to 1874, ch. 2, ante, p. 152.
Proclamation, post, p. 1016.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, acting for the United States, did, on the fifth day of February, anno Domini eighteen hundred and ninety-eight, make and conclude the following agreement with the Shoshone and Bannock Indians of the Fort Hall Reservation, in Idaho; and

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, being duly appointed and acting commissioners on behalf of the United States for such purposes, have concluded an agreement with the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians upon the Fort Hall Indian Reservation, in the State of Idaho, which said agreement is as follows:

29 Stat., 341.

Whereas the aforesaid commissioners were appointed by the Secretary of the Interior, under and by virtue of an act of Congress, approved June the tenth, eighteen hundred and ninety-six (29 U. S. Stat. L., p. 341), entitled "An act making appropriations for current and contingent expenses of the Indian Bureau of the Interior Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June the thirtieth, eighteen hundred and ninety-seven, and for other purposes," and by said act were authorized to negotiate with the Bannock and Shoshone Indians, in the State of Idaho, for the cession of part of their surplus lands; and

Vol. 2, p. 1020.

Whereas the Indians of the Fort Hall Reservation are willing to dispose of part of their surplus lands in the State of Idaho, reserved as a home for them by a treaty concluded at Fort Bridger July the third, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine, and also by Executive order:

Now, therefore, this agreement, made and entered into by and between the aforesaid commissioners on behalf of the United States of America, and by the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians, located on the Fort Hall Indian Reservation, in the State of Idaho. Witnesseth:

ARTICLE I.

Cession of lands.

That the said Indians of the Fort Hall Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they have to the following-described land, the same being a part of the land obtained through the treaty of Fort Bridger on the third day of July, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine:

—boundaries.

All that portion of the said reservation embraced within and lying east and south of the following-described lines: Commencing at a point in the south boundary of the Fort Hall Indian Reservation, being the southwest corner of township nine (9) south, range thirty-four (34) east of the Boise meridian, thence running due north on the range line between townships 33 and 34 east to a point two (2) miles north of the township line between townships five (5) and six (6) south, thence due east to the range line between ranges 35 and 36 east, thence south on said range line four (4) miles, thence due east to the east boundary line of the reservation; from this point the east and south boundaries of the said reservation as it now exists to the point of beginning, namely, the southwest corner of township nine (9) south, range thirty-four east, being the remainder of the description and metes and bounds of the said tract of land herein proposed to be ceded.

[31 Stat., 673.]

ARTICLE II.

Consideration.

That in consideration of the lands ceded, granted, and relinquished, as aforesaid, the United States stipulates and agrees to pay to and expend for the Indians of the said reservation, six hundred thousand dollars ($600,000) in the following manner, to wit:

Seventy-five thousand dollars ($75,000), or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection of a modern school plant for the Indians of the Fort Hall Reservation at a point near the present agency, said point or site to be selected by the Secretary of the Interior, and the surplus remaining, if any, of the above seventy-five thousand dollars ($75,000) may be expended by the Secretary of the Interior for the educational needs of said Indians.

One hundred thousand dollars ($100,000) shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to and actually residing on said reservation, within three months after the ratification of this treaty by the Congress of the United States. The remainder of said sum total shall be paid pro rata in like manner, as follows:

Fifty thousand dollars ($50,000) one year after the first payment.
Fifty thousand dollars ($50,000) two years after the first payment.
Fifty thousand dollars ($50,000) three years after the first payment.
Fifty thousand dollars ($50,000) four years after the first payment.
Fifty thousand dollars ($50,000) five years after the first payment.
Fifty thousand dollars ($50,000) six years after the first payment.
Fifty thousand dollars ($50,000) seven years after the first payment.
Fifty thousand dollars ($50,000) eight years after the first payment.
Twenty-five thousand dollars ($25,000) nine years after the first payment.

The deferred payments shall bear interest at the rate of four (4) per centum per annum, said interest to be placed annually to the credit of said Indians, and shall be expended for their benefit by the Secretary of the Interior at such times and in such manner as he may direct.

Proviso.
Depredation claims not to affect payments.

Provided, That none of the money due to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

ARTICLE III.

Heads of families who have settled not to be moved without consent.
Vol. 2, p. 1020.

Where any Indians have taken lands and made homes on the reservation and are now occupying and cultivating the same, under the sixth section of the Fort Bridger treaty hereinbefore referred to, they shall not be removed therefrom without their consent, and they may receive allotments on the land they now occupy; but in case they prefer to remove they may select land elsewhere on that portion of said reservation not hereby ceded, granted, and relinquished and not occupied by any other Indians; and should they decide not to move their improvements, then the same shall be appraised under direction of the Secretary of the Interior and sold for their benefit, at a sum not less than such appraisal, and the cash proceeds of such sale shall be paid to the Indian or Indians whose improvements shall be so sold.

ARTICLE IV.

[31 Stat., 674.] Use of ceded land by Indian continuing to live thereon.

So long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without any charge therefor, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and to fish in the streams thereof.

ARTICLE V.

Surveys.

That for the purpose of segregating the ceded lands from the diminished reservation, the new boundary lines described in article one of this agreement shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.

ARTICLE VI.

Prior treaties continued in force.

The existing provisions of all former treaties with the Indians of the Fort Hall Reservation, not inconsistent with the provisions of this agreement, are hereby continued in force and effect; and all provisions thereof inconsistent herewith are hereby repealed.

ARTICLE VII.

Certain roads declared public highways.

The existing main traveled roads leading from McCammon to Blackfoot and from McCammon to American Falls are declared public highways, and the proper use of such is hereby granted to the general public.

ARTICLE VIII.

Irrigation.

The water from streams on that portion of the reservation now sold which is necessary for irrigating on land actually cultivated and in use shall be reserved for the Indians now using the same, so long as said Indians remain where they now live.

ARTICLE IX.

Signatures.

This agreement shall take effect and be in force when signed by the commissioners and by a majority of the male Indians of the Fort Hall Reservation over eighteen years of age, and ratified by the Congress of the United States.

Signed on the part of the United States Government by the commissioners aforesaid and by the following Indians of the Bannock and Shoshone tribes, residing and having rights on the Fort Hall Indian Reservation.

BENJAMIN F. BARGE, Commissioner.
JAMES H. MCNEELY, Commissioner.
CHARLES G. HOYT, Commissioner.

FORT HALL INDIAN AGENCY,
Ross Fork, Idaho, February 5, 1898.

(1) Jim Ballard (x); witness, Mary W. Fisher. (2) Pocatello Tom (x); witness Chas. M. Robinson. (3) Kunecke Johnson (x); witness, Mary W. Fisher. (And 247 others.)

* * * * * * *

[31 Stat., 675.]

We certify that we interpreted the foregoing agreement with the Bannock and Shoshone Indians and that they thoroughly understood the entire matter; that we truly interpreted for the commissioners and the Indians at all the councils held to discuss the subject, and to individual Indians.

J. J. LEWIS,
KENNEKE (his x mark) JOHNSON,
Interpreters.

Witness:
CHAS. M. ROBINSON.
J. H. BEAN.
ALBERT W. FISHER.

ROSS FORK, IDAHO, February 5, 1898.

FORT HALL AGENCY, IDAHO, February 5, 1898.

I hereby certify that two hundred and twenty-seven (227) Indians constitute a majority of male adult Indians on or belonging on the Fort Hall Indian Reservation, Idaho.

F. G. IRWIN, Jr.,
First Lieutenant, Second Cavalry, Acting Indian Agent.

Therefore,

Ratification.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Appropriation for first cash payment, etc.

SEC. 2. That for the purpose of making the first cash payment stipulated for in article two of the foregoing agreement, and for the purpose of a new school plant, as provided in the same article, the sum of one hundred and seventy-five thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

—for surveys, etc.

SEC. 3. That for the purpose of surveying, establishing, and properly marking the western and northern boundaries of the tract ceded by the foregoing agreement, as required by article five thereof, and for field examination and necessary office work in connection therewith, the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

Heads of families settled thereon to have allotments prior to opening of ceded lands to entry, etc.

—electing to remove, schedule of lands, etc., abandoned.

SEC. 4. That before any of the lands by this agreement ceded are opened to settlement or entry, the Commissioner of Indian Affairs shall cause allotments to be made of such of said lands as are occupied and cultivated by any Indians, as set forth in article three of said agreement, who may desire to have the same allotted to them; and in cases where such Indian occupants prefer to remove to lands within the limits of the reduced reservation, he shall cause to be prepared a schedule of the lands to be abandoned, with a description of the improvements thereon, and the name of the Indian occupant, a duplicate of which shall be filed with the Commissioner of the General Land Office.

—appraisal and sale of improvements.

Before entry shall be allowed, as hereinafter provided, of any tract of land occupied and cultivated as above and included in the schedule aforesaid, the Secretary of the Interior shall cause the improvements on said tract to be appraised and sold to the highest bidder. No sale

Proviso.
—disposition of proceeds of sale.

of such improvements shall be for less than the appraised value. The purchaser of such improvements shall have thirty days after such purchase for preference right of entry, under the provisions of this Act, of the lands upon which the improvements purchased by him are situated, not to exceed one hundred and sixty acres: *Provided*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same.

Removal of improvements.

[31 Stat., 678.]

Any Indian electing to abandon the land occupied by him as aforesaid shall have reasonable time, in the discretion of the Secretary of the Interior, within which to remove the improvements situated upon the land occupied by him.

Lands opened to settlement.

Proviso.
Price of Idaho canal lands.

—other lands.

—limit of purchase.

Soldiers' and sailors' homesteads.
R. S., 2304, 2305, p. 422.

SEC. 5. That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, townsite, stone and timber, and mining laws of the United States only, excepting as to price and excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That all purchasers of lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of ten dollars per acre; all agricultural lands not under said canal shall be paid for at the rate of two dollars and fifty cents per acre, and grazing lands at the rate of one dollar and twenty-five cents per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but no purchaser shall be permitted in any manner to purchase more than one hundred and sixty acres of the land hereinbefore referred to; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

Classification of agricultural and grazing lands.

The classification as to agricultural and grazing lands shall be made by an employee of the General Land Office under the direction of the Secretary of the Interior.

Indemnity to State of Idaho for certain school lands.

Provisos.
—price under townsite laws.
—lands near Pocatello.

—mineral lands.

No lands in sections sixteen and thirty-six now occupied, as set forth in article three of the agreement herein ratified, shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: *Provided*, That none of said lands shall be disposed of under the town-site laws for less than ten dollars per acre: *And provided further*, That all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior for not less than ten dollars per acre: *And provided further*, That any mineral lands within said five mile limit shall be disposed of under the mineral land laws of the United States, excepting that the price of such mineral lands shall be fixed at ten dollars per acre instead of the price fixed by the said mineral land laws.

Agreement with Comanche, Kiowa, and Apache Indians of Oklahoma.

Proclamation, post, pp. 1009, 1017.

SEC. 6. Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed Commissioners on the part of the United States, did, on the sixth day of October, eighteen hundred and ninety-two, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

"Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the twenty-first day of October, eighteen hundred and ninety-two, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.

"ARTICLE I.

Cession of lands.

[31 Stat., 677.]

"Subject to the allotment of land, in severalty to the individual members of the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory, as hereinafter provided for, and subject to the setting apart as grazing lands for said Indians, four hundred and eighty thousand acres of land as hereinafter provided for, and subject to the conditions hereinafter imposed, and for the considerations hereinafter mentioned, the said Comanche, Kiowa, and Apache Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest, of every kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory to wit: Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one-hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

—boundaries.

"ARTICLE II.

Allotments in severalty.

"Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article I hereof, and in part consideration for the cession thereof, it is agreed by the United States that each member of said Comanche, Kiowa, and Apache tribes of Indians over the age of eighteen (18) years shall have the right to select for himself or herself one hundred and sixty (160) acres of land to be held and owned in severalty, to conform to the legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribe of Indians, shall have the right to select a like amount of land for each of his or her children under the age of eighteen (18) years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of eighteen (18) years.

"ARTICLE III.

Grazing lands.

"That in addition to the allotment of lands to said Indians as provided for in this agreement, the Secretary of the Interior shall set aside for the use in common for said Indian tribes four hundred and eighty thousand acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts as will best subserve the interest of said Indians. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses, or in sections sixteen (16) and thirty-six (36) in each Congressional township, except in cases where any Comanche, Kiowa, or Apache Indian has heretofore made improvements upon and now uses and occupies a part of said sections sixteen (16) and thirty-six (36), such Indian may make his or her

Restrictions on selection of land.

selection within the boundaries so prescribed so as to include his or her improvements. It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments, so as to include his or her said improvements.

[31 Stat., 678.]
Reservation of land for public schools, etc.

"It is further agreed that said sections sixteen (16) and thirty-six (36) in each Congressional township in said reservation shall not become subject to homestead entry but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the land so occupied may be allotted and confirmed to such society or organization, not, however, to exceed one hundred and sixty (160) acres of land to any one society or organization so long as the same shall be so occupied and used; and such land shall not be subject to homestead entry.

"Article IV.

Limit of time for selecting allotments.

Proviso.
—extension of time, etc.

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by the Congress of the United States: *Provided*, The Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall within the next thirty (30) days after said time make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

"Article V.

Allotments to be held in trust for twenty-five years.

Ante, p. 33.

Ante, p. 56.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five (25) years, in the time and manner and to the extent provided for in the act of Congress entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891.

—conveyance of title.

"And at the expiration of the said period of twenty-five (25) years the titles thereto shall be conveyed in fee simple to the allottees or their heirs, free from all incumbrances.

"Article VI.

Consideration.

Payment.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to the lands as aforesaid, the United States agrees to pay to the Comanche, Kiowa, and Apache tribes of Indians, in the Indian Territory, the sum of two million (2,000,000) dollars, as follows: Five hundred thousand ($500,000) dollars to be distributed per capita to the members of said tribes at such times and in such manner as the Secretary of the Interior shall deem to be for the best interests of said Indians, which sum is hereby appropriated out of any funds in the Treasury not otherwise appropriated; and any part of the same remaining unpaid shall draw interest at the rate of five per centum while remaining in the Treasury, which interest shall be paid to the Indians annually per capita; and the remaining one million five hundred thousand ($1,500,000) dollars to be retained in the Treasury of the United States, placed to the credit of said Indians, and while so retained to draw interest at the rate of five per centum per annum, to be paid to the said Indians per capita annually.

[31 Stat., 679.]
Existing annuities.

"Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements, or treaties.

"ARTICLE VIII.

Allotments by Interior Department may be governed by this agreement.

"It is further agreed that wherever in said reservation any member of any of the tribes of said Indians has, in pursuance of any laws or under any rules or regulations of the Interior Department taken an allotment, such allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement.

"ARTICLE IX.

Existing leases.

"It is further agreed that any and all leases made in pursuance of the laws of the United States of any part of said reservation which may be in force at the time of the ratification by Congress of this agreement shall remain in force the same as if this agreement had not been made.

"ARTICLE X.

Certain persons married into tribes entitled to allotment.

"It is further agreed that the following named persons, not members by blood of either of said tribes, but who have married into one of the tribes, to wit, Mabel R. Given, Thomas F. Woodward, William Wyatt, Kiowa Dutch, John Nestill, James N. Jones, Christian Ke oh-tah, Edward L. Clark, George Conover, William Deitrick, Ben Roach, Lewis Bentz, Abilene, James Gardloupe, John Sanchez, the wife of Boone Chandler, whose given name is unknown, Emmit Cox, and Horace P. Jones, shall each be entitled to all the benefits of land and money conferred by this agreement, the same as if members by blood of one of said tribes, and that Emsy S. Smith, David Grantham, Zonee Adams, John T. Hill, and J. J. Methvin, friends of said Indians, who have rendered to said Indians valuable services, shall each be entitled to all the benefits, in land only, conferred under this agreement, the same as if members of said tribes.

"ARTICLE XI.

Ratification.

"This agreement shall be effective only when ratified by the Congress of the United States."

Said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

Special allotment agent, etc.

That the Secretary of the Interior is hereby authorized and directed to cause the allotments of said lands, provided for in said treaty among said Indians, to be made by any Indian inspector or special agent.

Proviso.
Limit of time for alloting.

That all allotments of said land shall be made under the direction of the Secretary of the Interior to said Indians within ninety days from the passage of this Act, subject to the exceptions contained in article four of said treaty: *Provided*, That the time for making allotments shall in no event be extended beyond six months from the passage of this Act.

Lands opened to settlement.

Proviso.
Price per acre.

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in

[31 Stat., 680.]
Commutation of homestead entries.

Soldiers and sailors homesteads.
R. S., sec. 2304, 2305.

Persons now qualified for homestead entry who have hitherto failed to secure title.

Entry on land adjoining existing entries.

Preference right on "neutral strip."

addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged: *And provided further*, That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

Reservations for schools, etc.

That sections sixteen and thirty-six, thirteen and thirty-three, of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved, sections sixteen and thirty-six for the use of the common schools, and sections thirteen and thirty-three for university, agricultural colleges, normal schools, and public buildings of the Territory and future State of Oklahoma; and in case either of said sections, or parts thereof, is lost to said Territory by reason of allotment under this Act or otherwise, the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss.

Payments not available for depredation claims.
Ante, p. 58.

That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjudication and payment of claims arising from Indian depredations."

Mineral deposits open to location.

That should any of said lands allotted to said Indians, or opened to settlement under this Act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this Act, and the mineral laws of the United States are hereby extended over said lands.

Court of Claims to determine claims of Choctaw and Chickasaw.
See note to 1898, ch. 517, ante, p. 656.

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render a judgment thereon, it being the intention of this Act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have

—appeal.
Proviso.
—time for taking.
[31 Stat., 661.]
Claim not to be construed as admitted, etc.

the right to appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this Act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

Procedure.

That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this Act, or should they dismiss said suit, and the same shall not be reinstated, their claim shall be forever barred: *And provided further*, That, in the event it shall be adjudged in the final judgment or decree rendered in said action that said Choctaw and Chickasaw Nations have any right, title, or interest in or to said lands for which they should be compensated by the United States, then said sum of one million five hundred thousand ($1,500,000) dollars, shall be subject to such legislation as Congress may deem proper.

Provisos.
Claim barred by failure to bring action.

Disposal of fund on judgment for Choctaw and Chickasaw.

Approved, June 6, 1900.

ACTS OF FIFTY-SIXTH CONGRESS—SECOND SESSION, 1901.

Feb. 11, 1901.
31 Stat., 765.

CHAP. 359.—An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin.

Allotments authorised to Indians of La Pointe or Bad River Reservation, Wis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent of the Chippewa Indians of Lake Superior, located on the Bad River Reservation, in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment, not exceeding eighty acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi, concluded September thirtieth, eighteen hundred and fifty-four.

Vol. 2, p. 650.

Approved, February 11, 1901.

Feb. 12, 1901.
31 Stat., 765.

CHAP. 360.—An act granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation.

Grand Portage Reservation, Minn.
Indians may cut timber on their allotments, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, shall be, and they are hereby, permitted to cut and dispose of the timber on their several allotments, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Approved, February 12, 1901.

Feb. 12, 1901.

31 Stat., 788.

CHAP. 361.—An act to authorize Arizona Water Company to construct power plant on Pima Indian Reservation in Maricopa County, Arizona.

Arizona Water Company may erect power plant on Pima Indian Reservation, Ariz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arizona Water Company, its successors and assigns, be, and it hereby is, authorized to erect, construct, maintain, and operate a water-power plant at the place on the Indian reservation set apart for the Pima and Maricopa Indians by Executive order dated June fourteenth, eighteen hundred and seventy-nine, in the County of Maricopa, Territory of Arizona, where the Arizona Canal, by means of a crosscut canal, drops a portion of the water back into the Salt River theretofore taken out by its dam and head gate. Said Arizona Water Company, its successors or assigns, is also authorized to erect, construct, and maintain the necessary poles and wires for the purpose of transmitting across said reservation, at the most practicable and convenient route, the electricity to be generated by such power plant: *Provided, however*, That said Arizona Water Company, its successors or assigns, shall at all times save and protect all persons on said Indian reservation from any and all damages which may be caused by the erection and maintenance of said power plant, pole line, and wires used in connection therewith.

Proviso. Damages.

Approved, February 12, 1901.

Feb. 13, 1901.

31 Stat., 790.

CHAP. 370.—An act to provide for the entry of lands formerly in the Lower Brule Indian Reservation, South Dakota.

Lower Brule Indian Reservation, S. Dak. Certain lands in, opened to settlement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands in that portion of the Lower Brule Indian Reservation, in the State of South Dakota, ceded to the United States by the Act of March fourth, eighteen hundred and ninety-eight, and ratified by the Act of March third, eighteen hundred and ninety-nine, are hereby opened to settlement and entry under the public land laws of the United States, including the homestead laws.

Approved, February 13, 1901.

Feb. 25, 1901.

31 Stat., 805.

CHAP. 474.—An act for the relief of the Medawakanton band of Sioux Indians, residing in Redwood County, Minnesota.

Purchase of lieu lands for Mdewakanton band of Sioux Indians, Redwood County, Minn., authorized.

1876, c. 289, note, ante, p. 166.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized to sell, dispose of, and convey the north fractional half of the northeast quarter and the southeast quarter of the northeast quarter of section one, township one hundred and twelve, range thirty-five, in Redwood County, Minnesota, purchased in eighteen hundred and eighty-nine for the use of the Medawakanton band of Sioux Indians, residing in Redwood County, for cash at the best obtainable price not less than thirteen dollars per acre, and that he is hereby authorized and empowered to purchase other lands in said county for said Indians with the proceeds arising from such sale: *Provided*, That the written consent of the adult Indians residing in Redwood County, Minnesota, shall first be given.

Proviso. Consent of Indians.

Approved, February 25, 1901.

Feb. 27, 1901.

31 Stat., 816.

CHAP. 616.—An act to confirm a lease with the Seneca Nation of Indians.

Seneca Nation of Indians.

Lease of land to Erie Preserving Company ratified.

See note to 1875, c. 90, ante, p. 155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whereas on the eighteenth day of November, eighteen hundred and ninety-nine, Charles Dennis, a Seneca Indian, leased to the Erie Preserving Company, as a site for a manufacturing plant, a certain piece of land near the village of Irving, New York; and whereas on the twenty-ninth day of December, eighteen hundred and ninety-nine, the said lease was confirmed, ratified, and approved by the council of the Seneca Nation of Indians, according to its terms and conditions: Now, therefore, the action of the said Charles Dennis and of said Seneca Nation, by its council, is ratified, confirmed, and approved.

Approved, February 27, 1901.

Feb. 28, 1901.

31 Stat., 819.

CHAP. 622.—An act to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes.

Seneca Nation of New York Indians.

Collection of moneys from leases payable to agent New York Indian Agency.

See note, 1875, c. 90, ante, p. 155.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all moneys which shall belong to the Seneca Nation of New York Indians arising from existing leases or leases that may hereafter be made of lands within the Cattaraugus, Allegany and Oil Springs reservations, shall be paid to and be recoverable to the United States Indian agent for the New York Indian Agency for and in the name of the said Seneca Nation: *Provided*, That nothing herein contained shall be held to validate or confirm any lease that otherwise may be invalid.

Proviso.

Invalid leases unaffected.

Payments by agent to Indians.

SEC. 2. That from the moneys so received from said leases the said agent shall annually, on the first Wednesday after the first Tuesday in June, pay over to the treasurer of the Seneca Nation the sum of two thousand five hundred dollars for the disposal by its council, and shall distribute the balance of said moneys, after deducting as hereinafter provided, among the heads of families of the Seneca Nation in like manner and under the same conditions that the annuities paid to the said nation by the United States are distributed.

Bond of agent.

—report.

—compensation.

SEC. 3. That the said agent shall give bond to the United States in such sum as may be approved by the Secretary of the Interior, and he shall make an annual report to the Commissioner of Indian Affairs of the receipt and disbursement of all moneys arising from said leases, and he shall receive annually, as additional compensation, the sum of two dundred and fifty dollars.

Report of treasurer of Seneca Nation.

SEC. 4. That the treasurer of the Seneca Nation shall annually, on the last Tuesday in April, make a written report to the United States Indian agent of the New York Indian Agency of all moneys received and disbursed by him as treasurer of said Seneca Nation.

Repeal.

SEC. 5. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved, February 28, 1901.

Mar. 1, 1901.

31 Stat., 848.

CHAP. 675.—An act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

Agreement of Dawes Commission with Cherokee tribe of Indians ratified.

See note to 1872, c. 157, ante, p. 151.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement negotiated between the Commission to the Five Civilized Tribes and the Cherokee tribe of Indians at the city of Washington on the ninth day of April, nineteen hundred, as herein amended, is hereby accepted, ratified, and confirmed, and the same shall be of full force and effect if ratified by a

Proviso.
Ratification by Indians.

majority of the votes cast by the members of said tribe at an election to be held for that purpose: *Provided*, That such election shall be held within ninety days from the approval of this Act by the President of the United States.

This agreement, by and between the United States, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Cherokee tribe of Indians, in Indian Territory, entered into in behalf of said tribe by Lucian B. Bell, Percy Wyly, Jesse Cochran, and Benjamin J. Hilderbrand, duly appointed and authorized thereunto.

Witnesseth, that in consideration of the mutual undertakings herein contained it is agreed as follows:

DEFINITIONS.

Definitions.

1. The words "nation" and "tribe" shall each be deemed to refer to the Cherokee Nation or tribe of Indians in Indian Territory. The words "principal chief" shall be deemed to refer to the principal chief of said tribe. The words "citizen" or "citizens" shall be deemed to refer to a member or members of said tribe. The words "Dawes Commission" or "commission" shall be deemed to refer to the United States Commission to the Five Civilized Tribes. The word "Secretary" shall be deemed to refer to the Secretary of the Interior.

General allotment of lands.

GENERAL ALLOTMENT OF LANDS.

Appraisal.

2. All lands belonging to the Cherokee tribe of Indians in Indian Territory, except as herein reserved, shall be appraised at their true value, considering location and fertility of soil in each case, excluding improvements placed by allottee on the lands selected by him: *Provided, however*, That in cases where a citizen holding lands in excess of his rightful share has failed to sell or remove the buildings and fences from said excessive holding on or before the first day of July, nineteen hundred and one, the value of the buildings and fences shall be added to the value of the land by the appraisement committee.

Proviso.
Failure to remove buildings from excessive holdings.

By whom appraisal made.

[31 Stat., 849.]

3. The appraisement shall be made under the direction of the Dawes Commission by such number of committees of appraisement as may be deemed sufficient to expedite the work, one member of each committee to be appointed by said commission and one by the principal chief; and if the members of any committee fail to agree as to the value of any tract of land, the value thereof shall be determined by said commission.

Reports.

The committees shall make report of their work to the commission as may be required. The commission shall prepare reports of the same in duplicate, and transmit them to the Secretary of the Interior for his approval, and when approved one copy shall be furnished the principal chief and one copy returned to the office of the commission for its use in making allotments as herein provided.

Allotments.

4. All lands of said tribe, except as herein provided, shall be allotted by said commission among the citizens of the tribe entitled to share therein, so as to give to each an equal share of the whole, in value, as nearly as may be, in manner following: There shall be allotted to each citizen eighty acres of land (boundaries to conform to the Government survey as nearly as may be) which may be selected by him, so as to include improvements which belong to him. Eighty acres of land, valued at six dollars and fifty cents per acre, shall constitute a standard allotment, and shall be the measure for the equalization of values; and any allottee selecting lands of less value than such standard may select

Eighty acres to be a standard.

other lands, not lawfully held or occupied by any other citizen, which, at their appraised value, will make his allotment equal in value to the standard so fixed.

Selection in excess of standard.

5. If any citizen select eighty acres of land the appraised value of which, for any reason, is in excess of such standard, the excess of value shall be charged against him in the future distribution of lands and funds of the tribe arising from any source whatsoever, unless he has already paid the same, and he shall not be entitled to any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment; and if there be not sufficient property and funds of the tribe to make the allotments of all other citizens equal in value to his, then for the excess there shall exist a lien on the rents and profits of his allotment; and no deed shall issue to such allottee until all charges against an allotment are liquidated. All controversies arising between citizens as to their right to select particular tracts of land shall be determined by said commission according to law.

Controversies as to right to select land.

Selection of allotments from excessive holdings.

6. Any citizen having in his possession lands in actual cultivation in excess of eighty acres for himself and eighty acres for his wife and each of his minor children, shall, on or before the first day of July, nineteen hundred and one, select therefrom allotments of eighty acres each for himself and the members of his family aforesaid, which said allotments he may hold, and no more; and he shall, within said time, make report in writing to the Dawes Commission of the lands so selected by him, giving legal description thereof; and if he have lawful improvements upon such excess he may dispose of the same to any other citizen, who may thereupon select lands so as to include such improvements; but, after the expiration of said time, any citizen may take any lands not already selected by another; but if lands so taken be in actual cultivation, having thereon improvements belonging to another citizen, such improvements shall be valued by the appraisement committee and the amount paid to the owner thereof by the allottee, and the same shall be a lien upon the rents and profits of the land until paid: *Provided*, That the owner of improvements may remove the same if he desires.

—disposition of improvements, etc.

Equalization of allotments.

7. When allotments as hereinbefore provided have been made to all citizens the residue of lands, not herein reserved or otherwise disposed of, shall be so apportioned among such citizens as to equalize their allotments, but if the same be insufficient therefor the deficiency shall be supplied out of any funds of the tribe, so that the allotments of all citizens may be made equal in value, as nearly as may be, in manner herein provided.

[31 Stat., 860.]

Selections above and below standard.

8. If the allotment of any citizen exceed in value that of the standard so fixed, he may pay the excess to the Indian agent, to be placed to the credit of the tribe, and shall thereupon receive title to such allotment; if a citizen select lands of the exact value of such standard allotment he shall receive title therefor; and if a citizen select lands of less value than such standard allotment he shall receive title to the lands so selected, and as soon as additional lands are selected by him for the purpose of equalizing his allotment he shall receive additional deed therefor.

Possession.

9. When any citizen shall select his allotment and receive certificate therefor the Secretary of the Interior shall immediately thereupon, through the United States Indian agent in said Territory, put him in unrestricted possession of his allotment.

Allotments exempt from prior debts, etc.

10. Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be incumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor, and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of

five years from the ratification of this agreement, except with the approval of the Secretary of the Interior.

Homestead inalienable, etc.

11. Before receiving his deed therefor each citizen shall select from his allotment forty acres of land, and if he fail to select the same it shall be selected by the Dawes Commission, and a proper designation thereof shall be made in the deed to the allottee. Said forty acres shall not be alienable at any time before the expiration of twenty-five years from the ratification of this agreement, except with the approval of the Secretary of the Interior, and during the time the same remains so inalienable shall not be subject to any tax or be incumbered, taken, or sold to secure or satisfy any debt or obligation of the allottee contracted or incurred while the land remains so inalienable.

Minor's lands, liens against, etc.

12. No taxes assessed or levied against the lands of any minor, not herein made nontaxable, shall be a lien upon such lands, but the same shall be a lien upon the products of the lands composing his allotment.

Allotments to minors, etc.

13. Allotments to minors may be selected by the guardian, or by the father or mother, if citizens, in the order named, and shall not be sold during their minority. Allotments may be selected for prisoners, convicts, and aged and infirm persons by their duly appointed agents, and for incompetents by guardians, curators, or other suitable persons akin to them, but it shall be the duty of said commission to see that such selections are made for the best interests of such parties.

Allotments to Delawares who are Cherokee citizens, according to suit pending in Court of Claims, etc.

14. All Delaware Indians who are Cherokee citizens shall take lands and share in the funds of the tribe as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court, if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said commission is ready to begin the allotment of lands of the tribe as herein provided, the commission shall cause to be segregated one hundred and fifty-seven thousand six hundred acres of land, including lands which have been selected and occupied by Delawares in conformity to provisions of their agreement with the Cherokees dated April 8, eighteen hundred and sixty-seven, such lands so to remain subject to disposition according to such judgment as may be rendered in said cause; and said commission shall, thereupon, proceed to the allotment of the remaining lands of the tribe as aforesaid. Said commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder.

Existing rights unimpaired.

Nothing in this agreement shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April eighth, eighteen hundred and sixty-seven, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees.

Town sites.

TOWN SITES.

Provisions for surveys, plats, etc.

15. All towns in the Cherokee Nation having a present population of two hundred or more shall be surveyed, laid out, and appraised under the provisions of an Act of Congress entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes," approved May thirty-first, nineteen hundred, which said provisions are as follows: "That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hun-

Ante, p. 106.

dred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

Filing plats.

Choctaw and Chickasaw tribes.

Ante, p. 646.

Work of commissions to begin on approval of survey.

"Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine of the Act of June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory, and for other purposes,' shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

Creek and Cherokee town-site commissions.

"The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing Act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the appproval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

Choctaw, Chickasaw, Creek, and Cherokee nations.

Separate town-site commissions for towns.

See note to 1898, ch. 517, ante, p. 656.

"Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that Nation.

Appointment.

Every such local commission shall be appointed in the manner provided in the Act approved June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory.'

Surveys by towns.

"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the sight thereof, subject to his supervision and approval, as in other instances.

Appraisal and sale of lots.

"As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing Act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisement and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.

Removal of commissioners, etc.

"The Secretary of the Interior may, for good cause, remove any member of any townsite commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.

Establishment of corporate and townsite limits.

"It shall not be required that the townsite limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such townsite limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: *Provided further*, That the exterior limits of all townsites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

Proviso.
—regulations

Reservation from allotment at railroad stations.

"Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such townsite at the time. Such townsites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other townsites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior. *Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive or principal chief of said nation fails or refuses to appoint a townsite commissioner for any town or to fill any vacancy caused by the neglect or refusal of the townsite commissioner appointed by the chief executive or principal chief of said nation to qualify or act, in his discretion appoint a commissioner to fill the vacancy thus created."

Provisos.
Compensation for occupant's improvements.

Secretary of Interior may appoint townsite commissioner on failure of chief of nation, etc.

Right to purchase where right of occupancy acquired under tribal laws, etc.

16. Any citizen in rightful possession of any town lot which has been improved as required by tribal laws, the right of occupancy of which he has acquired under tribal laws, shall have the right to purchase same by paying one-half the appraised value thereof, deducting therefrom such amount as may have been paid into the Cherokee national treasury for such right of occupancy.

17. Any citizen in rightful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying one-half the appraised value thereof: *Provided*, That any other person in the peaceful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying one-half the appraised value thereof.

18. Any citizen in rightful possession of any town lot not having improvements thereon, the occupancy of which has been acquired under tribal laws, shall have the right to purchase such lot by paying two-thirds the appraised value thereof, deducting therefrom such amounts as may have been paid into the Cherokee national treasury for such right of occupancy.

Appraisal and payment.

19. When the appraisement of any town lot so improved is made and approved the commission shall notify the claimant thereof of the amount

of appraisement, and he shall, within sixty days thereafter, make payment of ten per centum of the amount due for the lot, and four months thereafter he shall pay fifteen per centum additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the owner of any such lot fail to purchase same and make the first and second payments aforesaid within the time aforesaid, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the town-site commission, at a price not less than their appraised value; and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lot.

—failure to pay.

Sale of unspecified unimproved lots.

20. All town lots not having thereon improvements other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after appraisement, under direction of the Secretary of the Interior, after due advertisement, at public auction, to the highest bidder, at not less than their appraised value.

Selection of lots in lieu of standard allotment.

21. Any citizen occupying more than four acres of unplatted lands, which may be laid out in town lots in any town, and which are to be sold at public auction as above, shall have the right to select, in a body, and retain a sufficient number of such lots at their appraised value as may be equal to the standard allotment herein fixed, to be taken in lieu of his allotment, and in addition thereto he may purchase one-fourth of the remaining lots, to be selected in a body, into which such land has been divided, by paying two-thirds of their appraised value.

Deduction for lands used as a home.

22. If any citizen have lands in any town, occupied and used by him as a home, he may purchase the lots into which such lands may be platted by paying one-half their appraised value, not, however, exceeding four acres; but this right shall not extend to persons who take their allotments out of unplatted lands as herein provided.

Payment of purchase money.

23. The purchaser of any unimproved town lot sold at public auction shall pay twenty-five per centum of the purchase money at the time of the sale, and within four months thereafter he shall pay twenty-five per centum additional, and the remainder of the purchase money he shall pay in two equal annual installments, without interest.

Default in payment.

24. If the purchaser of any town lot fail to make payment of any sum when due, the same shall thereafter bear six per centum interest per annum until paid.

Title on immediate payment.

25. The purchaser of any town lot may at any time pay the full amount of purchase money, and he shall thereupon receive title therefor.

Church lands.

26. All town lots or parts of lots, not exceeding fifty by one hundred and fifty feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisement, shall be conveyed gratuitously to the churches to which such improvements belong, and if such churches have inclosed other adjoining lots actually necessary for their use, they may purchase the same by paying one-half the appraised value thereof.

Lots exempt from debt prior to deed, etc.

27. All town lots purchased by citizens under provisions of this agreement shall be free from incumbrance by any debt contracted prior to the date of the deed therefor, except for improvements thereon, or for money borrowed to pay the purchase price to the nation.

Purchase of unimproved residence lot, etc.

28. Any citizen having the right of occupancy of an unimproved residence lot in any town at the date of this agreement, and owning no other lot or land therein, shall have the right to purchase such lot by paying one-half of the appraised value thereof.

Anyone may bid.

29. Any person whomsoever may bid for and purchase any lot sold at public auction as herein provided.

Assessment of taxes, etc.

30. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town

lot sold as herein provided, and the same shall constitute a lien upon the interest of the purchaser therein after any payment thereon has been made by him, and if forfeiture of any lot be made all taxes assessed against such lot shall be paid out of any money paid thereon by the purchaser.

Cemetery.

31. The town authorities may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from each town, to embrace such number of acres as may be deemed necessary for such purpose, and the town-site commission shall appraise the same at its true value, and the town may purchase same by paying such value; and if any citizen have improvements thereon, other than fencing and tillage, they shall be appraised by said committee and paid for by the town. The town authorities shall dispose of the lots in such cemetery at reasonable prices, in suitable sizes for burial purposes, and the proceeds thereof shall be applied to the general improvement of the property: *Provided*, That lands already laid out for cemeteries by the tribal authorities shall be included in the cemeteries herein provided for, without cost to the towns; and the holdings of burial lots therein now occupied for such purposes shall in no wise be disturbed.

Proviso.
Inclusion of existing cemeteries.

Surveys of plats in existing towns.

32. All towns now in existence where there are two or more places of business and less than two hundred inhabitants may be surveyed and laid out into town lots and necessary streets and alleys and platted as other towns, each to embrace such amount of land as may be deemed necessary, not exceeding forty acres, which survey may be made in manner provided for other towns, and the appraisement of the town lots of said towns may be made by any commission appointed for either of the other towns having two hundred inhabitants or more; and all lots in said towns having thereon improvements other than temporary buildings, fencing, and tillage may be purchased by any person having rightful possession thereof and owning the improvements thereon by paying one-half the appraised value. The survey, appraisement, and sale of lots shall be made under regulations to be prescribed by the Secretary of the Interior.

—regulations.

Public buildings.

33. The United States may purchase in any town in the Cherokee Nation suitable lands for court-houses, jails, and other necessary public buildings, for its use, by paying the appraised value thereof, the same to be selected under the direction of the Department for whose use such buildings are to be erected, and if any person have improvements thereon, other than temporary buildings, fencing, and tillage, the same shall be appraised and paid for by the United States.

TITLES.

Titles.

Deeds for allotments.

34. After the ratification of this agreement by Congress and the tribe the Secretary of the Interior shall furnish the principal chief with blank deeds necessary for all conveyances herein provided for, and when any citizen receives his allotment of land amounting to and not exceeding in value the standard allotment herein fixed, or when any allotment has been so ascertained and fixed that title should, under the provisions of this agreement, be conveyed, the principal chief shall thereupon proceed to execute in due form and deliver to him a deed conveying to him all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

35. The principal chief shall, in like manner and with like effect, execute and deliver to proper parties deeds of conveyance in all other cases herein provided for. All lands and town lots to be conveyed to one person shall, as far as practicable, be included in one deed, and all deeds shall be executed free of charge.

Approval of deed; effect.

36. All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his deed.

Acceptance of deed effect.

37. Any allottee accepting such deed shall be deemed to assent to the allotment and conveyance of all the lands of the tribe as provided herein, and as a relinquishment of all his right, title, and interest in and to the same, except in the proceeds of lands reserved from allotment.

—for minors, etc.

38. The acceptance of deeds of minors and incompetents by persons authorized to select their allotments for them shall be deemed sufficient to bind such minors and incompetents as to the conveyance of all other lands of the tribe as provided herein.

Filing deeds, etc.

39. All deeds, when so executed and approved, shall be filed in the office of the Dawes Commission and recorded in a book appropriate for the purpose without expense to the grantee, and such records shall have like effect as other public records.

ROLLS OF MEMBERSHIP.

Rolls of membership.
Date.

40. The rolls of citizenship of the Cherokee Nation shall be made as of April first, nineteen hundred, and the names of all persons then living and entitled to enrollment on that date shall be placed on said rolls by the Dawes Commission.

Who excluded.

41. No child born to any citizen after the first day of April, nineteen hundred, nor any white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety-five, shall be entitled to enrollment.

Provisions.
Ante, p. 98.

42. Such rolls shall in all other respects be made in strict compliance with the provisions of section twenty-one of the Act of Congress of June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes."

Death before allotment.

43. If any citizen who was living and entitled to be enrolled on the first day of April, nineteen hundred, die before receiving his allotment of lands and share of the tribal funds, his right of allotment and share of the funds shall descend to his heirs according to the laws of descent and distribution of the Cherokee Nation, and shall be allotted and distributed to them accordingly.

Citizens enrolled as of other tribes barred.

44. No person who has been enrolled by the Dawes Commission as a citizen of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

To be final rolls.

45. The rolls made by said commission, when approved by the Secretary of the Interior, shall be the final rolls of membership of said tribe upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made.

SCHOOLS.

Schools.
Rules, etc.

46. The Cherokee school fund shall be used, under direction of the Secretary of the Interior, for the education of children of Cherokee citizens, and the Cherokee schools shall be conducted under rules prescribed by him according to Cherokee laws, subject to such modifications as he may deem necessary to make the schools most effective and to produce the best possible results, said schools to be under the direct supervision of a supervisor appointed by the Secretary and a school superintendent appointed by the principal chief.

Supervision.

Qualifications of teachers.

47. All teachers shall be examined by or under direction of said supervisor and said superintendent, and competent teachers and other persons to be engaged in and about the schools, with good moral char-

acter only, shall be employed; but where all qualifications are equal, preference shall be given to citizens in such employment.

Payment of expenses.

48. All moneys for running the schools shall be appropriated by the Cherokee national council, not exceeding the amount of the Cherokee school fund, but if said council fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of sufficient amount of the school funds to pay all expenses necessary to the efficient conduct of the schools, strict account thereof to be rendered to him and to the principal chief.

Accounts.

49. All accounts for expenditures in running the schools shall be examined and approved by said supervisor and superintendent, and also by the general superintendent of Indian schools in Indian Territory before payment thereof is made.

Appeal to Secretary of the Interior.

50. If the supervisor and superintendent fail to agree upon any matter under their direction and control, it shall be decided by said general superintendent, subject to appeal to the Secretary of the Interior, but his decision shall govern until reversed by the Secretary.

Equal benefits from school funds.

51. Said school fund shall be administered so that each Cherokee citizen of school age entitled thereto shall have equal benefits therefrom, as nearly as may be.

Cherokee Orphan Asylum.

52. The interest arising from the Cherokee orphan fund shall in like manner be used, under direction of the Secretary of the Interior, for maintaining the Cherokee Orphan Asylum for the benefit of the Cherokee orphan children. The buildings of said asylum, and one hundred and twenty acres of land, to be taken in a body, on which they are located, subject to the approval of the Secretary of the Interior, shall be reserved from allotment, and said institution continued in operation until allotment is completed.

Cherokee Advocate.

CHEROKEE ADVOCATE.

Publication of, etc.

Lease.

Proviso.

Sale of plant.

53. The national newspaper, the Cherokee Advocate, printed in both the Cherokee and English languages, shall continue to be published the present year under the appropriation already made by the Cherokee Nation, after which time the same shall be leased by the principal chief of the Cherokee Nation for a period of two years at a time, to the lowest responsible citizen bidder, at an annual expense to the Cherokee Nation of not to exceed one thousand five hundred dollars, to be paid out of the general fund of the Cherokee Nation: *Provided*, That said newspaper plant, including everything connected therewith, together with the buildings and grounds reserved for said newspaper, shall be sold before final allotment is completed under this agreement, under the direction of the Secretary of the Interior, and the proceeds placed to the credit of the general fund of the Cherokee Nation.

RESERVATIONS.

Reservations from allotment.

54. The following lands shall be reserved from the general allotment herein provided:

(a) All lands set apart for town sites.

(b) All lands to which, at the date of the ratification of this agreement, any railroad company may, under any treaty or Act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses connected with the maintenance and operation of the railroad.

(c) All lands selected for town cemeteries, as herein provided.

(d) One acre of land for each schoolhouse not included in town sites, as herein provided.

(e) One hundred and sixty acres for Willie Halsell College at Vinita.

(f) Four acres for the Baptist Mission School at Tahlequah.

(g) Four acres for the Presbyterian School at Tahlequah.

(h) Four acres for the Park Hill Mission School south of Tahlequah.

(i) Four acres for the Elm Springs Mission School on Barren Fork.

(j) Forty acres for Dwight Mission on Sallisaw.

(k) Four acres for Skiatook Mission near Skiatook.

(l) Four acres for Luthern Mission School on Illinois River, north of Tahlequah.

(m) Sufficient ground for burial purposes where neighborhood cemeteries are now located, not to exceed three acres each.

(n) One acre for each church house outside of towns.

(o) The square now occupied by the capitol building at Tahlequah.

(p) The grounds now occupied by the national jail at Tahlequah.

(q) The grounds now occupied by the Cherokee Advocate printing office at Tahlequah.

(r) Forty acres for the Cherokee Male Seminary near Tahlequah.

(s) Forty acres for the Cherokee Female Seminary at Tahlequah.

(t) One hundred and twenty acres for the Cherokee Orphan Asylum on Grand River.

(u) Forty acres for the Colored High School in Tahlequah district.

(v) Forty acres for the Cherokee Insane Asylum.

(w) Forty acres for the school for the blind, and deaf and dumb children near Fort Gibson.

Army post, etc.

(x) A sufficient amount of land, to be selected by the General Government, and heretofore included in the old military reservation, for an army post, and for a penitentiary, or for either, and the same, with the buildings thereon, is tendered to the United States for said purposes: *Provided*, That in case the same is not accepted and occupied by the Government for the purposes aforesaid on or before March fourth, nineteen hundred and three, this provision shall be void.

Proviso.
Condition.

Municipal corporations.

MUNICIPAL CORPORATIONS.

Powers, etc.

Bond issues.

55. Authority is hereby conferred upon municipal corporations in the Cherokee Nation to issue bonds and borrow money thereon for sanitary purposes, and for the construction of sewers, lighting plants, waterworks, and schoolhouses, subject to all the provisions of laws of the United States in force in the organized Territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in said nation and made applicable to the cities and towns therein, the same as if specially enacted in reference thereto: *Provided*, That the whole amount of bonds issued under this provision shall not exceed five per cent of the value of all the real and personal property in the town; and the town authorities may cause such bonds to be issued for the purpose of carrying out this provision, and no bonds shall be issued without the approval of the Secretary of the Interior.

Proviso.
—limit.

Public buildings.

PUBLIC BUILDINGS.

School lands reserved.

56. The buildings of the Cherokee Male Seminary, with forty acres of land; and of the Cherokee Female Seminary, with forty acres of land; and the Cherokee Orphan Asylum, with one hundred and twenty acres of land; and the Colored High School, with forty acres of land, such lands in each case to be in one body, embracing lands upon which the buildings are located, and to be selected by the Dawes Commission, shall, before completion of allotment, be set aside for school purposes until final allotment, when the same shall be subject to the provisions of section sixty.

Other lands, etc., may be sold.

57. All other public buildings and other public property of whatsoever character belonging to the Cherokees not herein otherwise disposed of may be sold or otherwise disposed of by the nation, subject to the approval of the Secretary of the Interior.

Miscellaneous.

MISCELLANEOUS.

Duration of tribal government.

58. The tribal government of the Cherokee Nation shall not continue longer than March fourth, nineteen hundred and six, subject to such future legislation as Congress may deem proper.

Officer to collect revenue.

59. The collection of all revenues of whatsoever character belonging to the tribe shall be made by an officer appointed by the Secretary of the Interior, under rules and regulations prescribed by the Secretary, and the expenses of such collection shall be deducted from the funds collected.

Consent of tribe to disbursements necessary.

60. No funds belonging to said tribe shall be used or paid out for any purposes by any officer of the United States without consent of the tribe expressly given through its national council, except as herein provided.

Additional power to Secretary of the Interior.

61. All things necessary to carry into effect the provisions of this agreement not otherwise herein specifically provided for shall be done under the authority and direction of the Secretary of the Interior.

No permit tax from noncitizens.

62. No noncitizen renting lands from a citizen for agricultural purposes, as provided by law, whether such lands have been selected as an allotment or not, shall be required to pay any permit tax.

Federal citizenship conferred on Cherokee.

63. Each Cherokee citizen shall, on the date of the ratification of this agreement, become a citizen of the United States and be entitled to all the rights and privileges thereof, but the same shall in no wise effect his rights as a member of said tribe.

Railroads not to acquire rights to lands under transfer of title to allottees, etc.

64. The transfer of the title of the Cherokee tribe to individual allottees and to other persons, as provided in this agreement, shall not inure to the benefit of any railroad company, nor vest in any railroad company any right, title, or interest in or to any of the lands in the Cherokee Nation.

Expenses of surveys, etc.

65. The United States shall pay all expenses incident to the survey, platting, and disposition of town lots and all allotments of lands made under the provisions of this agreement, except where the town authorities may have been or may be duly authorized to survey and plat their respective towns at the expense of such towns, except when towns are authorized to survey at their own expense.

Payments to be made into the Treasury to credit of tribe, etc.

66. All moneys to be paid to the tribe under any of the provisions of this agreement shall be paid under the direction of the Secretary of the Interior into the Treasury of the United States to the credit of the tribe, and an itemized report thereof shall be made to the Secretary of the Interior and to the principal chief.

Secretary of the Interior to make payments for tribe, etc.

67. All funds of the tribe and all moneys accruing under the provisions of this agreement, when needed for the purpose of equalizing allotments, or for any other purpose herein prescribed, shall be paid out under the direction of the Secretary of the Interior, and when required for per capita payments, if any, shall be paid out directly to each individual by a bonded officer of the United States, under the direction of the Secretary of the Interior, without unnecessary delay; and moneys paid to citizens shall not be liable for the payment of any previously contracted obligation.

Methodist Episcopal Church South may acquire certain land.

68. The Methodist Episcopal Church South may, within twelve months after the ratification of this agreement, pay five dollars per acre for the one hundred and sixty acres of land adjacent to the town of Vinita, and heretofore set apart by act of the Cherokee national council for the use of said church for missionary and educational purposes, and now occupied by Willie Halsell College (formerly Galloway College), and shall thereupon receive title thereto; but if said church fail so to do, it may continue to occupy said one hundred and sixty acres of land as long as it uses same for the purposes aforesaid.

Lease of allotments permitted, etc.

69. Cherokee citizens may rent their allotments, when selected, for a term not exceeding one year, and after receiving title to their allot-

ments may rent them without restriction; and cattle grazed on such allotments shall not be liable to any tribal tax. No cattle shall hereafter be introduced into the Cherokee Nation and grazed on lands not selected by citizens as allotments unless permission therefor has been granted by the principal chief and approved by the Secretary of the Interior, in which case the Secretary is authorized to collect from the owners of such cattle a reasonable grazing tax for the benefit of the tribe. Section twenty-one hundred and seventeen, Revised Statutes of the United States, shall not hereafter apply to Cherokee lands.

Grazing of cattle.

Penalty for driving stock to feed on Indian lands.
R. S. sec. 2117, amended.

Deferred payments a lien on property.

70. All deferred payments under the provisions of this agreement shall constitute a lien in favor of the tribe on the property for which the debt was contracted, and if default in any annual payment is made the lien for the payment of all purchase money remaining unpaid may thereupon be enforced in the United States court in the same manner as vendors' liens are enforced, suit therefor to be brought in the name of the principal chief for the benefit of the tribe, or, on his failure for any cause, in the name of some person appointed therefor by the court.

—enforcement of lien.

All other liens herein created may be in like manner enforced after the expiration of two years from the date when the amount secured thereby becomes a charge upon the property.

Mineral leases.
Ante, pp. 93, 94, 100.

71. The provisions of section thirteen of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to or in any manner affect the lands or other property of said tribe, and no Act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation except sections fourteen and twenty-seven of said last-mentioned Act, which shall continue in force as if this agreement had not been made.

Cherokee courts abolished.

72. Nothing contained in this agreement, however, shall be construed to revive or reestablish the Cherokee courts abolished by said last-mentioned Act of Congress, or the authority of any officer, at any time, in any manner connected with said courts.

Existing tribal indebtedness to be paid.

73. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of ratification of this agreement which may have lawfully been contracted and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law after the ratification of this agreement and prior to the dissolution of the tribal government, such payment to be made from any funds in the United States Treasury belonging to said tribe. And all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made.

—regulations, etc.

The Secretary of the Interior shall make such payments at the earliest time practicable, and he shall make all needful rules and regulations to carry this provision into effect.

Instruments affecting land east of Grand River, etc.

74. All instruments of writing affecting lands in the Cherokee Nation which lie south of Spavinaw Creek, east of Grand River, and north of the Arkansas River, and all other instruments affecting property within said boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States court at Tahlequah; and all instruments of writing affecting lands in said nation lying north of the Arkansas River, north of Spavinaw Creek, and west of Grand River, and all other instruments affecting property within said boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States court at Vinita: *Provided*, That this shall not include the record of original deeds to allotments and other parcels of lands, and of town lots, herein otherwise provided for.

—where recorded.

—land north of Arkansas River, etc., where recorded.

—exception.

Tribal ordinance affecting land, etc.

75. No act, ordinance, or resolution of the Cherokee national council in any manner affecting the lands of the tribe, or of individuals

after allotment, or the moneys or other property of the tribe, or of the citizens thereof, except appropriations for the necessary incidental and salaried expenses of the Cherokee government as herein limited, shall be of any validity until approved by the President of the United States.

Approval, etc., by President.

When any such act, ordinance, or resolution shall be passed by said council and approved by the principal chief, a true and correct copy thereof, duly certified, shall be immediately transmitted to the President, who shall, within thirty days after its receipt, approve or disapprove the same. If disapproved, it shall be so indorsed and returned to the principal chief. If approved, the approval thereof shall be indorsed thereon, and it shall be published in at least two newspapers having a bona fide circulation in the Cherokee Nation.

Reversion of land reserved from allotment.

—sale, etc.

—church and school lands outside of towns.

76. All lands herein reserved from allotment and not sold, as provided in this agreement, when they cease to be used for the purpose for which they have been set apart, shall, if that occur prior to the completion of the allotment of lands, or to the dissolution of the tribal government, revert to the tribe, and be sold under direction of the Secretary of the Interior, and the proceeds paid into the United States Treasury and become a part of the general fund of the tribe; but if said lands revert after allotment has been completed, and after dissolution of the tribal government, the same may be in like manner sold, and the proceeds thereof used by the United States for the support of the insane asylum herein provided for: *Provided*, That the lots of land upon which the church houses and schoolhouses outside of towns are located, with the improvements thereon, when they cease to be used for the purposes for which they are herein reserved, shall go to the allottees taking the forty-acre tracts from which said reservations were taken.

Court of Claims given jurisdiction of claims of Cherokee against the United States, etc.

Attorneys.

—compensation.

R. S., secs. 2106, etc.

Making parties.

Case may be advanced.

77. Jurisdiction is hereby conferred upon the Court of Claims to examine, consider, and adjudicate, with a right of appeal to the Supreme Court of the United States by any party in interest feeling aggrieved at the decision of the Court of Claims, any claim which the Cherokee tribe, or any band thereof, arising under treaty stipulations, may have against the United States, upon which suit shall be instituted within two years after the ratification of this agreement; and also to examine, consider, and adjudicate any claim which the United States may have against said tribe, or any band thereof. The institution, prosecution, or defense, as the case may be, on the part of the tribe, or any band thereof, of any such suit shall be through attorneys employed, and to be compensated in the manner prescribed in sections twenty-one hundred and three to twenty-one hundred and six, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys, and a band acting through a committee recognized by the Secretary of the Interior. The Court of Claims shall have full authority by proper orders and process to make parties to any such suit all persons whose presence in the litigation may be deemed necessary or proper to the final determination of the matter in controversy; and any such suit shall, on motion of either party, be advanced on the docket of either of said courts, and determined at the earliest practicable time.

Pending suit of Delaware Indians and Cherokee Nation, Court of Claims.

Payment to attorneys authorized.

78. That in the suit pending between the Delaware Indians and the Cherokee Nation in the Court of Claims said court is hereby authorized to fix the compensation of the attorneys of record of the respective litigants, and the same shall be paid to the attorneys representing the Cherokees out of the general fund of the Cherokee Nation and to the attorneys representing the Delawares out of any money belonging to said Delaware Indians; but in no event shall the fees allowed by said court exceed the amounts specified in the contracts with said tribes.

Existing coal or oil rights unaffected.

79. That nothing in this Act contained shall be held or construed to change, alter, modify or impair any existing coal or oil rights heretofore acquired by lease, location, development, or otherwise, or to ratify, confirm, recognize, or validate any such rights.

Ratification of agreement.

—election.

80. This agreement shall be binding upon the United States and on the Cherokee Nation and all Cherokee citizens when ratified by Congress and by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following: The principal chief shall, within twenty days after the approval of this Act, make public proclamation that the same shall be voted upon at a special election to be held for that purpose within sixty days thereafter, on a certain day therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee national council in the presence of the Dawes Commission and the principal chief, and said commission and principal chief shall jointly make certificate thereof and proclamation of the result.

Approved, March 1, 1901.

Mar. 1, 1901.

31 Stat., 861.

CHAP. 676.—An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.

Agreement of Dawes Commission with Muskogee or Creek tribe of Indians ratified.

See note to 1899, c. 217, ante, p. 821.

Ratification by Indians.

Post, p. 1008.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement negotiated between the Commission to the Five Civilized Tribes and the Muscogee or Creek tribe of Indians at the city of Washington on the eighth day of March, nineteen hundred, as herein amended, is hereby accepted, ratified, and confirmed, and the same shall be of full force and effect when ratified by the Creek national council. The principal chief, as soon as practicable after the ratification of this agreement by Congress, shall call an extra session of the Creek national council and lay before it this agreement and the Act of Congress ratifying it, and if the agreement be ratified by said council, as provided in the constitution of said nation, he shall transmit to the President of the United States the act of council ratifying the agreement, and the President of the United States shall thereupon issue his proclamation declaring the same duly ratified, and that all the provisions of this agreement have become law according to the terms thereof: *Provided,* That such ratification by the Creek national council shall be made within ninety days from the approval of this Act by the President of the United States.

Proviso.

—when to be ratified.

This agreement by and between the United States, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Muskogee (or Creek) tribe of Indians, in Indian Territory, entered into in behalf of said tribe by Pleasant Porter, principal chief, and George A. Alexander, David M. Hodge, Isparhecher, Albert P. McKellop, and Cub McIntosh, delegates, duly appointed and authorized thereunto,

Witnesseth that in consideration of the mutual undertakings herein contained it is agreed as follows:

DEFINITIONS.

Definitions.

1. The words "Creek" and "Muskogee," as used in this agreement, shall be deemed synonymous, and the words "Creek Nation" and "tribe" shall each be deemed to refer to the Muskogee Nation or Muskogee tribe of Indians in Indian Territory. The words "principal chief" shall be deemed to refer to the principal chief of the Muskogee

Nation. The words "citizen" or "citizens" shall be deemed to refer to a member or members of the Muskogee tribe or nation of Indians. The words "The Dawes Commission" or "commission" shall be deemed to refer to the United States Commission to the Five Civilized Tribes.

General allotment of lands.

GENERAL ALLOTMENT OF LANDS.

Appraisal.

2. [*Substitute for this section, see 1902, chapter 1323, section 2, post, page 761.*]

Allotments.

3. All lands of said tribe, except as herein provided, shall be allotted among the citizens of the tribe by said commission so as to give each an equal share of the whole in value, as nearly as may be, in manner following: There shall be allotted to each citizen one hundred and sixty acres of land—boundaries to conform to the Government survey—which may be selected by him so as to include improvements which belong to him. One hundred and sixty acres of land, valued at six dollars and fifty cents per acre, shall constitute the standard value of an allotment, and shall be the measure for the equalization of values, and any allottee receiving lands of less than such standard value may, at any time, select other lands, which, at their appraised value, are sufficient to make his allotment equal in value to the standard so fixed.

Standard allotment.

Selection of land in excess of standard.

[*Substitute for second paragraph of this section, see 1902, chapter 1323, section 3, post, page 762.*]

Allotments to minors, etc., how selected.

4. Allotment for any minor may be selected by his father, mother, or guardian, in the order named, and shall not be sold during his minority. All guardians or curators appointed for minors and incompetents shall be citizens.

Allotments may be selected for prisoners, convicts, and aged and infirm persons by their duly appointed agents, and for incompetents by guardians, curators, or suitable persons akin to them, but it shall be the duty of said commission to see that such selections are made for the best interests of such parties.

Selection of allotments from excessive holdings.

5. If any citizen have in his possession, in actual cultivation, lands in excess of what he and his wife and minor children are entitled to take, he shall, within ninety days after the ratification of this agreement, select therefrom allotments for himself and family aforesaid, and if he have lawful improvements upon such excess he may dispose of the same to any other citizen, who may thereupon select lands so as to include such improvements; but, after the expiration of ninety days from the ratification of this agreement, any citizen may take any lands not already selected by another; but if lands so taken be in actual cultivation, having thereon improvements belonging to another citizen, such improvements shall be valued by the appraisement committee, and the amount paid to the owner thereof by the allottee, and the same shall be a lien upon the rents and profits of the land until paid: *Provided*, That the owner of improvements may remove the same if he desires.

—disposition of improvements.

Former allotments confirmed, etc.

6. All allotments made to Creek citizens by said commission prior to the ratification of this agreement, as to which there is no contest, and which do not include public property, and are not herein otherwise affected, are confirmed, and the same shall, as to appraisement and all things else, be governed by the provisions of this agreement; and said commission shall continue the work of allotment of Creek lands to citizens of the tribe as heretofore, conforming to provisions herein; and all controversies arising between citizens as to their right to select certain tracts of land shall be determined by said commission.

Allotments exempt from prior debts.

7. Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be incumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of five

years from the ratification of this agreement, except with the approval of the Secretary of the Interior.

Homestead inalienable.

Each citizen shall select from his allotment forty acres of land as a homestead, which shall be nontaxable and inalienable and free from any incumbrance whatever for twenty-one years, for which he shall have a separate deed, conditioned as above: *Provided*, That selections of homesteads for minors, prisoners, convicts, incompetents, and aged and infirm persons, who can not select for themselves, may be made in the manner herein provided for the selection of their allotments; and if, for any reason, such selection be not made for any citizen, it shall be the duty of said commission to make selection for him.

Proviso.
Minors', etc., homestead.
Amended, post, p. 764.

Descent of homestead.
Partial repeal and amendment, post, p. 762.

The homestead of each citizen shall remain, after the death of the allottee, for the use and support of children born to him after the ratification of this agreement, but if he have no such issue, then he may dispose of his homestead by will, free from limitation herein imposed, and if this be not done, the land shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, free from such limitation.

Possession.

8. [*Substitute for this section, see 1902, chapter 1323, section 19, post, 765.*]

Equalizing allotments.

9. When allotment of one hundred and sixty acres has been made to each citizen, the residue of lands, not herein reserved or otherwise disposed of, and all the funds arising under this agreement shall be used for the purpose of equalizing allotments, and if the same be insufficient therefor, the deficiency shall be supplied out of any other funds of the tribe, so that the allotments of all citizens may be made equal in value, as nearly as may be, in manner herein provided.

TOWN SITES.

Town sites.

Provisions for surveys, plats, etc.

10. All towns in the Creek Nation having a present population of two hundred or more shall, and all others may, be surveyed, laid out, and appraised under the provisions of an Act of Congress entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes," approved May thirty-first, nineteen hundred, which said provisions are as follows:

Ante, p. 105.

"That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

Filing plats.

Choctaw and Chickasaw tribes.
Ante, p. 646.
Work of commission to begin on approval of survey.

"Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine of the Act of June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory, and for other purposes,' shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

Creek and Cherokee town-site commissions.

"The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing Act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

Choctaw, Chickasaw, Creek, and Cherokee nations.

Separate town-site commissions for towns.

Appointment.

Ante, p. 108.

"Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that Nation. Every such local commission shall be appointed in the manner provided in the Act approved June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory.'

Surveys by towns.

"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

Appraisal and sale of lots.

"As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing Act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisement and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.

Removal of commissioners, etc.

"The Secretary of the Interior may, for good cause, remove any member of any townsite commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy other wise occurring in like manner as the place was originally filled.

Establishment of corporate and townsite limits.

"It shall not be required that the townsite limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such townsite limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: *Provided further*, That the exterior limits of all townsites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

Proviso. —regulations.

Reservation from allotments at railroad stations.

"Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such townsite at the time. Such townsites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other townsites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive or principal chief of said nation fails or refuses to appoint a townsite commissioner for any town or to fill any vacancy caused by the neglect or refusal of the townsite commissioner appointed by the chief executive or principal chief of said nation to qualify or act, in his discretion appoint a commission to fill the vacancy thus created."

Proviso.
Compensation for occupant's improvements.

Proviso.
Secretary of the Interior may appoint town-site commissioner on failure of chief of nation, etc.

Right of occupants of town lots, improved, to purchase, etc.

11. Any person in rightful possession of any town lot having improvements thereon, other than temporary buildings, fencing, and tillage, shall have the right to purchase such lot by paying one-half of the appraised value thereof, but if he shall fail within sixty days to purchase such lot and make the first payment thereon, as herein provided, the lot and improvements shall be sold at public auction to the highest bidder, under direction of the appraisement commission, at a price not less than their appraised value, and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lot.

—of residence, etc.

12. Any person having the right of occupancy of a residence or business lot or both in any town, whether improved or not, and owning no other lot or land therein, shall have the right to purchase such lot by paying one-half of the appraised value thereof.

Reduction for lands used as a home.

13. Any person holding lands within a town occupied by him as a home, also any person who had at the time of signing this agreement purchased any lot, tract, or parcel of land from any person in legal possession at the time, shall have the right to purchase the lot embraced in same by paying one-half of the appraised value thereof, not, however, exceeding four acres.

Sale of unspecified unimproved lots.

14. All town lots not having thereon improvements, other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after their appraisement, under direction of the Secretary of the Interior, after due advertisement, at public auction to the highest bidder at not less than their appraised value.

Preference right of purchase to occupant of land laid out into town lots.

Any person having the right of occupancy of lands in any town which has been or may be laid out into town lots, to be sold at public auction as above, shall have the right to purchase one-fourth of all the lots into which such lands may have been divided at two-thirds of their appraised value.

Payment for improved lots, etc.

15. When the appraisement of any town lot is made, upon which any person has improvements as aforesaid, said appraisement commission shall notify him of the amount of said appraisement, and he shall, within sixty days thereafter, make payment of ten per centum of the amount due for the lot, as herein provided, and four months thereafter he shall pay fifteen per centum additional, and the remainder of the purchase money in three equal annual installments, without interest.

—for unimproved lots.

Any person who may purchase an unimproved lot shall proceed to make payment for same in such time and manner as herein provided for the payment of sums due on improved lots, and if in any case any amount be not paid when due, it shall thereafter bear interest at the rate of ten per centum per annum until paid. The purchaser may in any case at any time make full payment for any town lot.

Lots exempt from debts prior to deed, etc.

16. All town lots purchased by citizens in accordance with the provisions of this agreement shall be free from incumbrance by any debt contracted prior to date of his deed therefor, except for improvements thereon.

Assessment of taxes, etc.

17. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided, and the same shall constitute a lien upon the interest of the purchaser therein after any payment thereon has been made by him, and if forfeiture of any lot be made all taxes assessed against such lot shall be paid out of any money paid thereon by the purchaser.

Cemetery.
1902, c. 1323, post, p. 764.

18. The surveyors may select and locate a cemetery within suitable distance from each town, to embrace such number of acres as may be deemed necessary for such purpose, and the appraisement commission shall appraise the same at not less than twenty dollars per acre, and the town may purchase the land by paying the appraised value thereof; and if any citizen have improvements thereon, other than fencing and tillage, they shall be appraised by said commission and paid for by the town. The town authorities shall dispose of the lots in such cemetery at reasonable prices, in suitable sizes for burial purposes, and the proceeds thereof shall be applied to the general improvement of the property.

Public buildings, purchase of land for.

19. The United States may purchase, in any town in the Creek Nation, suitable land for court-houses, jails, and other necessary public buildings for its use, by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such buildings are to be erected; and if any person have improvements thereon, other than temporary buildings, fencing, and tillage, the same shall be appraised and paid for by the United States.

Certain schools, etc., may purchase land occupied by them.

20. Henry Kendall College, Nazareth Institute, and Spaulding Institute, in Muskogee, may purchase the parcels of land occupied by them, or which may have been laid out for their use and so designated upon the plat of said town, at one-half of their appraised value, upon conditions herein provided; and all other schools and institutions of learning located in incorporated towns in the Creek Nation may, in like manner, purchase the lots or parcels of land occupied by them.

Church lands; gratuitous conveyances authorized.

21. All town lots or parts of lots, not exceeding fifty by one hundred and fifty feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisement, shall be properly conveyed to the churches to which such improvements belong gratuitously, and if such churches have other adjoining lots inclosed, actually necessary for their use, they may purchase the same by paying one-half the appraised value thereof.

Towns of Clarksville, Coweta, etc., may be surveyed, platted, etc.

22. The towns of Clarksville, Coweta, Gibson Station, and Mounds may be surveyed and laid out in town lots and necessary streets and alleys, and platted as other towns, each to embrace such amount of land as may be deemed necessary, not exceeding one hundred and sixty acres for either, and in manner not to include or interfere with the allotment of any citizen selected prior to the date of this agreement, which survey may be made in manner provided for other towns; and the appraisement of the town lots of said towns may be made by any committee appointed for either of the other towns hereinbefore named, and the lots in said towns may be disposed of in like manner and on the same conditions and terms as those of other towns. All of such work may be done under the direction of and subject to the approval of the Secretary of the Interior.

TITLES.

Titles.

Deeds for allotments.

23. Immediately after the ratification of this agreement by Congress and the tribe, the Secretary of the Interior shall furnish the principal chief with blank deeds necessary for all conveyances herein provided for, and the principal chief shall thereupon proceed to execute in due form and deliver to each citizen who has selected or may hereafter select his allotment, which is not contested, a deed conveying to him all right, title, and interest of the Creek Nation and of all other citizens in and to the lands embraced in his allotment certificate, and such other lands as may have been selected by him for equalization of his allotment.

The principal chief shall, in like manner and with like effect, execute and deliver to proper parties deeds of conveyance in all other cases herein provided for. All lands or town lots to be conveyed to any one person shall, so far as practicable, be included in one deed, and all deeds shall be executed free of charge.

Approval of deed; effect.

All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his deed.

Acceptance; effect.

Any allottee accepting such deed shall be deemed to assent to the allotment and conveyance of all the lands of the tribe, as provided herein, and as a relinquishment of all his right, title, and interest in and to the same, except in the proceeds of lands reserved from allotment.

—for minors, etc.

The acceptance of deeds of minors and incompetents, by persons authorized to select their allotments for them, shall be deemed sufficient to bind such minors and incompetents to allotment and conveyance of all other lands of the tribe, as provided herein.

Transfers to individual allottees not to inure to benefit of railroads.

The transfer of the title of the Creek tribe to individual allottees and to other persons, as provided in this agreement, shall not inure to the benefit of any railroad company, nor vest in any railroad company, any right, title, or interest in or to any of the lands in the Creek Nation.

Filing deeds.

All deeds when so executed and approved shall be filed in the office of the Dawes Commission, and there recorded without expense to the grantee, and such records shall have like effect as other public records.

RESERVATIONS.

Reservations from allotment.

24. The following lands shall be reserved from the general allotment herein provided for:

(a) All lands herein set apart for town sites.

(b) All lands to which, at the date of the ratification of this agreement, any railroad company may, under any treaty or act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses connected with the maintenance and operation of the railroad.

(c) Forty acres for the Eufaula High School.

(d) Forty acres for the Wealaka Boarding School.

(e) Forty acres for the Newyaka Boarding School.

(f) Forty acres for the Wetumka Boarding School.

(g) Forty acres for the Euchee Boarding School.

(h) Forty acres for the Coweta Boarding School.

(i) Forty acres for the Creek Orphan Home.

(j) Forty acres for the Tallahassee Colored Boarding School.

(k) Forty acres for the Pecan Creek Colored Boarding School.

(l) Forty acres for the Colored Creek Orphan Home.

(m) All lands selected for town cemeteries, as herein provided.

(n) The lands occupied by the university established by the American Baptist Home Mission Society, and located near the town of Muskogee, to the amount of forty acres, which shall be appraised, excluding improvements thereon, and said university shall have the right to purchase the same by paying one-half the appraised value thereof, on terms and conditions herein provided. All improvements made by said university on lands in excess of said forty acres shall be appraised and the value thereof paid to it by the person to whom such lands may be allotted.

(o) [*Repealed by 1902, chapter 1323, post, page 764.*]

(p) One acre each for all churches and schools outside of towns now regularly used as such.

Sale of reservations, etc.

All reservations under the provisions of this agreement, except as otherwise provided herein, when not needed for the purposes for which they are at present used, shall be sold at public auction to the highest bidder, to citizens only, under directions of the Secretary of the Interior.

Municipal corporations.

MUNICIPAL CORPORATIONS.

Authorized to issue bonds.

25. Authority is hereby conferred upon municipal corporations in the Creek Nation, with the approval of the Secretary of the Interior, to issue bonds and borrow money thereon for sanitary purposes, and for the construction of sewers, lighting plants, waterworks, and schoolhouses, subject to all the provisions of laws of the United States in force in the organized Territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in said nation and made applicable to the cities and towns therein the same as if specially enacted in reference thereto.

CLAIMS.

Claims to be submitted to Senate for determination.
Vol. 2, p. 341.
Vol. 2, p. 931.

26. All claims of whatsoever nature, including the "Loyal Creek claim" under Article Four of the treaty of eighteen hundred and sixty-six, and the "Self-emigration claim" under Article Twelve of the treaty of eighteen hundred and thirty-two, which the tribe or any individual thereof may have against the United States, or any other claim arising under the treaty of eighteen hundred and sixty-six, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.

Preference to "Loyal Creek claim."

Of these claims the "Loyal Creek claim," for what they suffered because of their loyalty to the United States Government during the civil war, long delayed, is so urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment.

Court of Claims, etc., to have jurisdiction of other claims.

Any other claim which the Creek Nation may have against the United States may be prosecuted in the Court of Claims of the United States, with right of appeal to the Supreme Court; and jurisdiction to try and determine such claim is hereby conferred upon said courts.

Tribal funds.

FUNDS OF THE TRIBE.

27. All treaty funds of the tribe shall hereafter be capitalized for the purpose of equalizing allotments and for the other purposes provided in this agreement.

Rolls of citizenship.

ROLLS OF CITIZENSHIP.

Additions to rolls prohibited, etc.
1902, c. 1323, post, p. 762.

28. No person, except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement.

Who may be enrolled.

Ante p. 98.

All citizens who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under section twenty-one of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall be placed upon the rolls to be made by said commission under said Act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all the funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

Enrolling children of citizens, etc.

All children born to citizens so entitled to enrollment, up to and including the first day of July, nineteen hundred, and then living, shall be placed on the rolls made by said commission; and if any such child die after said date, the lands and moneys to which it would be entitled, if living, shall descend to its heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

To be final rolls.

The rolls so made by said commission, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

Enrollment of certain Creeks recently arrived and certain nonresidents authorized.

29. Said commission shall have authority to enroll as Creek citizens certain full-blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: *Provided*, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid.

Proviso. —condition.

MISCELLANEOUS.

Miscellaneous.

Deferred payments a lien on property.

30. All deferred payments, under provisions of this agreement, shall constitute a lien in favor of the tribe on the property for which the debt was contracted, and if, at the expiration of two years from the date of payment of the fifteen per centum aforesaid, default in any annual payment has been made, the lien for the payment of all purchase money remaining unpaid may be enforced in the United States court within the jurisdiction of which the town is located in the same manner as vendor's liens are enforced; such suit being brought in the name of the principal chief, for the benefit of the tribe.

Payments for tribe to be paid into the Treasury to credit of tribe.

31. All moneys to be paid to the tribe under any of the provisions of this agreement shall be paid, under direction of the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe, and an itemized report thereof shall be made monthly to the Secretary of the Interior and to the principal chief.

Secretary of Interior to make payments for tribe, etc.

32. All funds of the tribe, and all moneys accruing under the provisions of this agreement, when needed for the purposes of equalizing allotments or for any other purposes herein prescribed, shall be paid out under the direction of the Secretary of the Interior; and when required for per capita payments, if any, shall be paid out directly to each individual by a bonded officer of the United States, under direction of the Secretary of the Interior, without unnecessary delay.

Consent of tribe to disbursements necessary.

33. No funds belonging to said tribe shall hereafter be used or paid out for any purposes by any officer of the United States without consent of the tribe, expressly given through its national council, except as herein provided.

Expenses of surveys, etc.

34. The United States shall pay all expenses incident to the survey, platting, and disposition of town lots, and of allotment of lands made under the provisions of this agreement, except where the town authorities have been or may be duly authorized to survey and plat their respective towns at the expense of such town.

Parents guardians of children.

35. Parents shall be the natural guardians of their children, and shall act for them as such unless a guardian shall have been appointed by a court having jurisdiction; and parents so acting shall not be required to give bond as guardians unless by order of such court, but they, and all other persons having charge of lands, moneys, and other property belonging to minors and incompetents, shall be required to make proper accounting therefor in the court having jurisdiction thereof in manner deemed necessary for the preservation of such estates.

—accounting.

Allotments to Seminole domiciled with Creeks and to Creeks domiciled with Seminole.

See note to 1898, c. 542, ante, p. 662.

36. All Seminole citizens who have heretofore settled and made homes upon lands belonging to the Creeks may there take, for themselves and their families, such allotments as they would be entitled to take of Seminole lands, and all Creek citizens who have heretofore settled and made homes upon lands belonging to Seminoles may there take, for themselves and their families, allotments of one hundred and sixty acres each, and if the citizens of one tribe thus receive a greater number of acres than the citizens of the other, the excess shall be paid for by such tribe, at a price to be agreed upon by the principal chiefs of the two tribes, and if they fail to agree, the price shall be fixed by the Indian agent, but the citizenship of persons so taking allotments shall in no wise be affected thereby.

—conveyances.

Titles shall be conveyed to Seminoles selecting allotments of Creek lands in manner herein provided for conveyance of Creek allotments, and titles shall be conveyed to Creeks selecting allotments of Seminole lands in manner provided in the Seminole agreement, dated December sixteenth, eighteen hundred and ninety-seven, for conveyance of Seminole allotments: *Provided*, That deeds shall be executed to allottees immediately after selection of allotment is made.

—approval of provision.

This provision shall not take effect until after it shall have been separately and specifically approved by the Creek national council and by the Seminole general council; and if not approved by either it shall fail altogether, and be eliminated from this agreement without impairing any other of its provisions.

Lease of allotments permitted.

37. [*Substitute for this section, see 1902, chapter 1323, section 17, post, page 765.*]

Disposal of timber.

38. After any citizen has selected his allotment he may dispose of any timber thereon, but if he dispose of such timber, or any part of same, he shall not thereafter select other lands in lieu thereof, and his allotment shall be appraised as if in condition when selected.

No timber shall be taken from lands not so selected, and disposed of, without payment of reasonable royalty thereon, under contract to be prescribed by the Secretary of the Interior.

No permit tax from noncitizens.

39. No noncitizen renting lands from a citizen for agricultural purposes, as provided by law, whether such lands have been selected as an allotment or not, shall be required to pay any permit tax.

Creek school fund, school regulations, etc.

40. The Creek school fund shall be used, under direction of the Secretary of the Interior, for the education of Creek citizens, and the Creek schools shall be conducted under rules and regulations prescribed by him, under direct supervision of the Creek school superintendent and a supervisor appointed by the Secretary, and under Creek laws, subject to such modifications as the Secretary of the Interior may deem necessary to make the schools most effective and to produce the best possible results.

Qualifications of teachers.

All teachers shall be examined by or under direction of said superintendent and supervisor, and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed, but where all qualifications are equal preference shall be given to citizens in such employment.

Expenses.

All moneys for running the schools shall be appropriated by the Creek national council, not exceeding the amount of the Creek school fund, seventy-six thousand four hundred and sixty-eight dollars and forty cents; but if it fail or refuse to make the necessary appropriations the Secretary of the Interior may direct the use of a sufficient amount of the school funds to pay all expenses necessary to the efficient conduct of the schools, strict account thereof to be rendered to him and to the principal chief.

Accounts.

All accounts for expenditures in running the schools shall be examined and approved by said superintendent and supervisor, and also by the general superintendent of Indian schools, in Indian Territory, before payment thereof is made.

Appeal.

If the superintendent and supervisor fail to agree upon any matter under their direction or control, it shall be decided by said general superintendent, subject to appeal to the Secretary of the Interior; but his decision shall govern until reversed by the Secretary.

Mineral leases.
Ante, p. 96.

41. The provisions of section thirteen of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to or in any manner affect the lands or other property of said tribe, or be in force in the Creek Nation, and no Act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation, except section fourteen of said last-mentioned Act, which shall continue in force as if this agreement had not been made.

Tribal ordinance etc., to be approved by the President.

42. No act, ordinance, or resolution of the national council of the Creek Nation in any manner affecting the lands of the tribe, or of individuals after allotment, or the moneys or other property of the tribe, or of the citizens thereof, except appropriations for the necessary incidental and salaried expenses of the Creek government as herein limited, shall be of any validity until approved by the President of the United States. When any such act, ordinance, or resolution shall be passed by said council and approved by the principal chief, a true and correct copy thereof, duly certified, shall be immediately transmitted to the President, who shall, within thirty days after received by him, approve or disapprove the same. If disapproved, it shall be so indorsed and returned to the principal chief; if approved, the approval shall be indorsed thereon, and it shall be published in at least two newspapers having a bona fide circulation in the Creek Nation.

Intoxicants prohibited.

43. The United States agrees to maintain strict laws in said nation against the introduction, sale, barter, or giving away of liquors or intoxicants of any kind whatsoever.

Existing treaties unaffected.

44. This agreement shall in no wise affect the provisions of existing treaties between the United States and said tribe except so far as inconsistent therewith.

Additional power to Secretary of Interior.

45. All things necessary to carrying into effect the provisions of this agreement, not otherwise herein specifically provided for, shall be done under authority and direction of the Secretary of the Interior.

Duration of tribal government.

46. The tribal government of the Creek Nation shall not continue longer than March fourth, nineteen hundred and six, subject to such further legislation as Congress may deem proper.

Creek courts not revived.

47. Nothing contained in this agreement shall be construed to revive or reestablish the Creek courts which have been abolished by former Acts of Congress.

Approved, March 1, 1901.

Mar. 2, 1901.
31 Stat., 952.

CHAP. 810.—An act to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona.

White Mountain Apache Indian Reservation, Ariz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a small tract of the White Mountain Apache Indian Reservation, in the Territory of

Arizona, established by Executive orders, dated November ninth, eighteen hundred and seventy-one; December fourteenth, eighteen hundred and seventy-two; August fifth, eighteen hundred and seventy-three; July twenty-first, eighteen hundred and seventy-four; April twenty-seventh, eighteen hundred and seventy-six; January twenty-sixth, eighteen hundred and seventy-seven; and March thirty-first, eighteen hundred and seventy-seven, as modified by an Act entitled "An act to restore to the public domain a portion of the White Mountain Apache Indian Reservation, in the Territory of Arizona, and for other purposes," approved February twentieth, eighteen hundred and ninety-three; lying within the following boundary lines, namely: Beginning at station numbered "naught," which is a mound stone marked "Mo. No. 0" from which corner nineteenth milepost on the south boundary of the White Mountain Indian Reservation bears north seventy-seven degrees forty-eight minutes west five hundred and ninety feet; thence north forty-six degrees no minutes west one thousand five hundred and five feet to station numbered one, which is a mound of stone; thence north forty-four degrees no minutes east two thousand four hundred feet to station numbered two, which is a mound of stone; thence south forty-six degrees no minutes east five thousand four hundred feet to station numbered three which is a mound of stone set on the reservation line; thence north seventy-seven degrees forty-eight minutes west along the reservation line two thousand five hundred and forty (more or less) feet to the one-half mile corner between the eighteenth and nineteenth mile on the reservation line; thence continuing two thousand and ninety (more or less) feet to the station numbered naught, the place of beginning; or, from station numbered three, four thousand six hundred and thirty (more or less) feet to station numbered naught, the place of beginning; containing about two hundred and thirty-one acres, be, and the same is hereby, restored to the public domain and declared to be open and subject to entry, location, and occupation under the mining laws of the United States: *Provided*, That said lands shall be sold under the provisions of the mining laws of the United States, and that all moneys accruing from the sale of the lands hereby restored, except the fees allowed by law to the register and receiver, shall be paid into the Treasury of the United States and applied solely as follows:

Boundaries of tract restored to the public domains.

Proviso.
Lands to be sold under mining laws.

—disposition of proceeds.

First. To reimburse the United States for all expenses actually and necessarily incurred in surveying said lands.

Second. The remainder to be held in trust for the sole use and benefit of the tribes of Indians now located upon said reservation and to be expended by the Commissioner of Indian Affairs, under the direction and control of the Secretary of the Interior, in such manner and for such purposes as may to him seem to be for the best interests of said Indian tribes.

Approved, March 2, 1901.

Mar. 3, 1901.
31 Stat., 1058.

CHAP. 832.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes.

Indian Department appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

[31 Stat., 1062.]
Chickasaw trust fund.

The Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Chickasaws, the sum of sixty thousand dollars, being in full for the permanent annuity in money or otherwise, as guaranteed to them by the treaty of July fifteenth, seventeen hundred and ninety-four.

[31 Stat., 1065.]

Adjustment of accounts of traders with Osage Indians authorized.

See note to 1872, ch. 310, ante, p. 137.

—basis.

—per capita payment to Indians, accumulated interest, etc.

Proviso.

—payment to trader of per capita share of Indian indebted, etc.

—limit of credit to Indians from traders, etc.

That the Secretary of the Interior is hereby authorized and directed to examine the accounts of Indian traders with the Osage Indians at the Osage Agency, and to determine the sums equitably due to such traders from such Indians, and to adjust their accounts upon the basis of a fair profit upon the goods which have been sold by such traders to such Indians, and when the amounts due as aforesaid shall have been determined and adjusted, the Secretary of the Interior is hereby authorized to pay, by a disbursing officer selected by the Secretary for that purpose, to the Osage Indians per capita the amount which has been collected as rent of pasture lands, and any accumulated interest other than their regular annuities which has not been heretofore paid to them: *Provided*, That when it shall appear to such disbursing officer that any such Indian, either as an individual or as the head of a family, is indebted to a trader or traders at such agency, as the same shall have been determined and adjusted, in an amount equal to or exceeding said per capita payment, such disbursing officer shall pay the per capita share due to said Indian as an individual or the head of a family, to such trader or traders in discharge of, or to be applied upon such indebtedness to such trader or traders. If such Indian as an individual or head of a family shall be indebted to more than one of such traders, such payment of his per capita share shall be paid to the traders in proportion to the amount of the respective sums due them as determined and adjusted. If the per capita share of any such Indian as an individual or head of a family shall exceed his indebtedness to said trader or traders, then payment shall be made as aforesaid to such trader or traders of the amount due, as aforesaid, and the balance of such per capita payment shall be paid to said Indian: *And provided further*, That it shall be unlawful hereafter for the traders upon the Osage Indian Reservation to give credit to any individual Indian or head of a family to an amount greater than sixty per centum of the next quarterly annuity to which such individual Indian or head of a family will be entitled; and if such traders shall give credit to any individual Indian or head of a family upon such reservation in excess of the amount herein allowed, no portion of the indebtedness thus created shall be collectible, and the same shall be void and the licenses of such traders shall be revoked.

Further payments to Indians authorized.

Regulations for trading with Indians.

Report.

Should the amount of the per capita payment herein authorized and directed be insufficient to fully cancel and discharge the debts found to be due from such Indians to such traders as herein provided, the Secretary of the Interior is hereby authorized and directed to make further per capita payments to said Indians whenever and as often as future pasture moneys and accumulations of interest other than regular annuities shall amount to the sum of one hundred thousand dollars, the same to be paid and applied in the manner hereinbefore provided: *And provided further*, That on and after July first, nineteen hundred and one, any person desiring to trade with the Indians on said reservation shall, upon establishing the fact, to the satisfaction of the Commissioner of Indian Affairs, that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians: *And provided further*, That the Secretary of the Interior is hereby directed to report to the next session of Congress showing the amounts due by such Indians to such traders as determined and adjusted as herein provided, and also any payments that may have been made to said Indians or to said trader or traders.

* * * * * * *

Senecas.

Seneca Trust Funds.

* * * The Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Senecas, the sum of seventy-three thousand eight hundred dollars,

being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties above described. (Vol. 2, pp. 100, 113, 225, and 740.)

* * * * * * *

Eastern Shawnees.

Eastern Shawnee Trust Funds.

* * * The Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Eastern Shawnees, the sum of twenty thousand six hundred dollars, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties above described. (Vol. 2, pp. 113, 225, and 740.)

* * * * * * *

Quapaw.
Acts dedicating lands for schools, etc., confirmed.

See note to 1872, ch. 309, ante, p. 126.

—limit.

That the act of the general council of the Quapaw tribe or nation of Indians in the Indian Territory, "To set apart and dedicate certain Quapaw lands for the use of schools, and dispose of certain other lands, to pay the indebtedness of the Quapaw Nation," passed and approved on January second, eighteen hundred and ninety-nine, be, and is hereby, ratified and confirmed: *Provided*, That the lands so dedicated and disposed of shall not exceed four hundred acres.

* * * * * * *

[31 Stat., 1070.]
Removal to Cœur d'Alene Reservation.

Spokanes.

Ante, p. 445.

For last of ten installments, to be expended under the direction of the Secretary of the Interior, in the removal of the Spokane Indians to the Cœur d'Alene Reservation, in erecting suitable houses, in assisting them in breaking lands, in furnishing them with cattle, seeds, agricultural implements, saw and grist mills, thrashing machines, mowers, clothing, and provisions; in taking care of the old, sick, and infirm; in affording educational facilities, and in any other manner tending to their civilization and self-support, as per article five of agreement with said Indians dated March eighteenth, eighteen hundred and eighty-seven, ratified by Act of Congress approved July thirteenth, eighteen hundred and ninety-two, five thousand dollars: *Provided*, That any moneys heretofore or hereafter to be appropriated for the removal of said Spokane Indians to the Cœur d'Alene Reservation shall be extended to or expended for such members of the tribe who have removed or shall remove to the Colville, Spokane, or Jocko Reservations.

* * * * * * *

[31 Stat., 1074.]
Choctaw orphan lands—disposal of.

That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the Choctaw orphan lands in the State of Mississippi as other public lands are disposed of.

* * * * * * *

[31 Stat., 1078.]
Sisseton and Wahpeton bands of Dakota or Sioux Indians.
Court of Claims to determine claims of loyal members since act of forfeiture, etc.

See note to 1891, ch. 543, ante, p. 428.

—procedure, etc.

That full jurisdiction is hereby conferred upon the Court of Claims to hear, ascertain, and report to Congress what members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians remained loyal to the Government of the United States and were not directly or indirectly concerned in the depredations of certain bands of Sioux Indians named in the Act of Congress approved February sixteenth, eighteen hundred and sixty-three, entitled "An Act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," or other Acts upon the subject; and to hear, ascertain, and report to Congress what annuities provided by the treaty with said bands of July twenty-third, eighteen hundred and fifty-one, would now be due the loyal members of said bands if the said Act of Congress had not been passed. The court is further authorized to further consider, ascertain, and report to Congress what lands, appropriations, payments, gratuities, or other provisions have been made to or for said bands or to any of the members thereof since said Act of forfeiture was passed. Proceedings shall be commenced by petition verified by the attorney for said Indians who may appear for and on their behalf, and said case shall have preference and be advanced on the docket of said court; and if said court shall find that said bands preserved their loyalty to the United States, they shall ascertain and state the amount that would be due to said Indians on account of said annuities, had said Act of Congress of February sixteenth, eighteen hundred and sixty-three, not been passed, stating in connection therewith what credits should be charged against said annuities on account of the lands, appropriations, payments, gratuities or other provisions as hereinbefore stated.

* * * * * * *

[31 Stat., 1085.]
Siletz Reservation Oreg.
Ante, p. 33.

Sec. 9. That section five of "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, be amended by adding thereto the following proviso: "*Provided further*, That whenever the Secretary of the Interior shall be satisfied that any of the Indians of the Siletz Indian Reservation, in the State of Oregon, fully capable of managing their own business affairs, and being of the age of twenty-one years or upward, shall, through inheritance or otherwise, become the owner of more than eighty acres of land upon said reservation, he shall cause patents to be issued to such Indian or Indians for all of such lands over and above the eighty acres thereof. Said patent or patents shall be issued for the least valuable portions of said lands, and the same shall be discharged of any trust and free of all charge, incumbrance, or restriction whatsoever; and the Secretary of the Interior is hereby authorized and directed to ascertain, as soon as shall be practicable, whether any of said Indians of the Siletz Reservation should receive patents conveying in fee lands to them under the provisions of this Act."

Patents to Indians for more than 80 acres of land authorized, etc.

—Inquiry directed.

Approved, March 3, 1901.

Mar. 3, 1901.
31 Stat., 1447.

Chap. 869.—An act granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota.

Jamestown and Northern Railway granted right of way through Devils Lake Indian Reservation, N. Dak.
1876, ch. 287, note ante, p. 106.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way through the Devils Lake Indian Reservation, in the State of North Dakota, not exceeding two hundred feet in width, with grounds for station and depot purposes, according to the map and plat thereof, respectively, now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railway Company, a corporation duly organized under the laws of the then Territory and now State of North Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July twenty-eighth, eighteen hundred and eighty-three, made and submitted to the United States Indian agent at Devils Lake Agency by F. R. Delano on behalf of the Northern Pacific Railway Company, as the same is modified by a memorandum of consent in writing thereto appended, signed by the majority of the chiefs and headmen of the Indians occupying the Devils Lake Reservation, now on file in the office of the Secretary of the Interior; which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railway Company, by a resolution of the board of directors of said company adopted October fifth, eighteen hundred and eighty-three, a certified copy whereof is also on file in the said office: *Provided*, That the amount of compensation hereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railway Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cuthead Sioux Indians, occupying the Devils Lake Reservation, within sixty days after the passage of this Act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct: *Provided further*, That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes the same

Provisos.
Deposit of Indians, compensation, etc.

Reversion of right of way.

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Amendment.

shall revert to the United States; and that the right to repeal, alter, or amend this Act is reserved to Congress.

Approved, March 3, 1901.

Mar. 3, 1901.

31 Stat., 1456.

CHAP. 878.—An act to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation, and improve the Pigeon River in said State at what is known as the cascades of said river.

Pigeon River Improvement, Slide, and Boom Company may improve Pigeon River on Grand Portage Indian Reservation, Minn.

Use of timber by company.

—proceeds credited to Chippewa Indians, Minnesota.

Provisos.

River open to passage of timber.

Fishways.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pigeon River Improvement, Slide, and Boom Company, a corporation organized and existing under the laws of the State of Minnesota, be, and hereby is, authorized, under such rules and regulations and subject to such conditions and limitations as the Secretary of the Interior may prescribe, to enter upon and improve the Pigeon River at what is known as the cascades of said river, for the purpose of making said river at said point navigable for floating logs, and to that end to enter upon the unallotted lands, and, with the consent of the allottees, upon any allotted lands, adjacent to said cascades, of the Grand Portage Indian Reservation, in said State, and to construct such sluice dams, wing dams, bulkheads, spill dams, and other works necessary for said purpose, and to take from said unallotted lands timber for the construction of said improvements and works in quantity not to exceed one hundred and twenty-five thousand feet, board measure, for which timber said company shall pay such price as may be agreed upon between said company and the Secretary of the Interior, but not less than five dollars per thousand feet, board measure, the proceeds to be placed in the Treasury of the United States to the credit of the Chippewa Indians in Minnesota: *Provided*, That said river after being so improved shall be open at all times to the free passage of all timber cut from said Grand Portage Indian Reservation, and to the passage of all other timber for a reasonable charge therefor: *Provided further*, That suitable fishways shall be constructed and maintained by said company, to be approved by the United States Fish Commission.

Approved, March 3, 1901.

Mar. 3, 1901.

31 Stat., 1809.

CHAP. 954.—An act confirming a lease between J. W. Peglow and the Seneca Nation of New York Indians.

Lease of Seneca Nation of New York Indians to J. W. Peglow confirmed.

See note to 1875, ch. 90, ante, p. 155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement of lease dated October eleventh, nineteen hundred, entered into between the Seneca Nation of Indians in council assembled, and J. W. Peglow, of Silver Creek, New York, on October eleventh, nineteen hundred, granting to said Peglow the right of excavating and removing sand from the premises described in said agreement, be, and the same is hereby, ratified and confirmed.

Approved, March 3, 1901.

ACTS OF FIFTY-SEVENTH CONGRESS—FIRST SESSION, 1902.

February 28, 1902.

32 Stat., 43.

CHAP. 134.—An act to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes.

Enid and Anadarko Railway Company.

Right of way to, through Oklahoma and Indian Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Enid and Anadarko Railway Company, a corporation created under and by virtue of the laws of the Territory of Oklahoma, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Territory of Oklahoma and the Indian Ter-

Location.

Construction.

ritory, beginning at a point on its railway between Anadarko and Watonga, in the Territory of Oklahoma, thence in an easterly direction by the most practicable route to a point on the eastern boundary of the Indian Territory near Fort Smith, in the State of Arkansas, together with such branch lines to be built from any point on the line above described to any other point in the Indian Territory as said railway company may at any time hereafter decide to construct, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem it to its interest to construct along and upon the right of way and depot grounds hereby granted.

Width.

Stations, etc.

Provisos.
Limit.

Reversion for non-user.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way one hundred feet in width through said Oklahoma Territory and said Indian Territory, and to take and use a strip of land two hundred feet in width, with a length of two thousand feet, in addition to right of way, for stations, for every eight miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Damages to individuals.

Appraisal.
Referees.

Substitution on failure to appoint.

Hearing.

Compensation, etc.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the Secretary of the Interior, one by the chief of the nation to which said occupant belongs, and one by said railway company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failue of either party to make such appointment within thirty days after the appointment made by the Secretary of the Interior, the vacancy shall be filled by a judge of the United States court for the Indian Territory upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this Act, with mileage at five cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railway company. In case the

Award.
Appeal.
Costs on appeal.
Work may begin on paying double award.

referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States court for the Indian Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the Territory in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway.

Freight charges.
Provisos.
Passenger rates.
Regulations.
Maximum rates.
Mails.

SEC. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the Territory of Oklahoma for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed three cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Payment to tribes.
Provisos.
Appeal by general council, etc.
Award in lieu of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said main line and branches may be located, the sum of fifty dollars, in addition to compensation provided for in this Act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of five hundred dollars as each ten miles of road is graded: *Provided*, That if the general council of said nations or tribes through whose lands said railway may be located or the principal executive officer of the tribe if the general council be not in session shall, within four months after the filing of maps of definite location, as set forth in section six of this Act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this Act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the

Annual rental.

Apportionment.

Taxation.

Survey, etc.

compensation that said nation or tribe would be entitled to receive under the foregoing provisions. Said company shall also pay, so long as said Territory is owned and occupied by the Indians in their tribal relations, to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it shall construct in said Territory. The money paid to the Secretary of the Interior under the provisions of this Act shall be apportioned by him in accordance with the laws and treaties now in force between the United States and said nations or tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nation or tribe, to impose such additional taxes upon said railway as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this Act.

Maps to be filed.

Proviso.
Grading to begin on filing of map.

SEC. 6. That said company shall cause maps, showing the route of its located line through said Territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located, and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of twenty-five miles before construction of any such section shall be begun.

Employees may reside on right of way.

SEC. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Litigation.

SEC. 8. That the United States court for the Indian Territory and such other courts as may be authorized by Congress shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between the said Enid and Anadarko Railway Company and the nation and tribe through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this Act.

Time of construction.

SEC. 9. That said railway company shall build at least one-tenth of its railway in said Territory within one year after the passage of this Act, and complete its road within three years after the approval of its map of location by the Secretary of the Interior or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Condition of acceptance.

SEC. 10. That the said Enid and Anadarko Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the

Proviso.
Forfeiture.

present tenure of the Indians in their land, and will not attempt to secure from the Indian nation any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this Act.

Record of mortgages.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railway, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights, franchises, and property of said company as therein expressed.

Amendment.
No assignment before construction.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this Act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

* * * * * * *

[*The remaining sections of this Act contain general provisions relative to the construction of railroads through the Indian Territory and Oklahoma. See ante, page 114.*]

Approved, February 28, 1902.

Mar. 11, 1902.
32 Stat., 63.

CHAP. 180.—An act providing for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma.

Oklahoma Territory
Lands ceded by Wichita etc., Indians open to commutation town-site entries
26 Stat 91.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of section twenty-two of the Act approved May second, eighteen hundred and ninety, entitled "An Act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other porposes," providing for the commutation for town-site purposes of homestead entries in certain instances, be, and the same is hereby, made applicable to the lands in the Territory of Oklahoma ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians, under agreements, respectively, ratified by the Acts of Congress of March second, eighteen hundred and ninety-five, and June sixth, nineteen hundred.

Approved, March 11, 1902.

Apr. 29, 1902.
32 Stat., 177.

CHAP. 642.—An act for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes.

Choctaw and Chickasaw Indians.
Fund for relief of indigent Choctaw.
See note to 1898, ch. 517, ante, p. 656.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at Saint Louis, Missouri, to the credit of the treasurer of the Choctaw Nation, the sum of twenty thousand dollars of the fund now in the United States Treasury to the credit of the Choctaw and Chickasaw nations, derived from the sale of town lots under an Act approved June 28, 1898, being "An Act for the protection of the people of the Indian Territory, and for other purposes," the said sum to be used for certain destitute Choctaw Indians in the manner hereinafter provided, and charged against the proportionate share of said fund due to each Choctaw Indian receiving relief under the provisions hereof.

Commission to supply food, etc., to destitute Choctaw.

SEC. 2. That Gilbert W. Dukes, principal chief of the Choctaw Nation, George W. Scott, treasurer of the Choctaw Nation, and Green

Restrictions.

McCurtain, ex-principal chief of the Choctaw Nation, are hereby constituted a commission, with authority to investigate and determine what Choctaw citizens are destitute and in absolute need of help; and they are hereby authorized and empowered to supply to said destitute Choctaws such food as may be necessary for their maintenance as they may determine to be right and proper, the same to be paid for out of the aforesaid twenty thousand dollars, but not exceeding to any beneficiary the amount he is entitled to receive from said funds as his distributive share.

Fund for relief of indigent Chickasaw.

32 Stat., 262.

30 Stat., 513.

31 Stat., 1062.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized, upon the request of the Secretary of the Interior, to deposit in the United States subtreasury at Saint Louis, Missouri, to the credit of the treasurer of the Chickasaw Nation, the sum of twenty thousand dollars, ten thousad dollars of which shall be taken from the balance of the arrears of interest of five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents excluding the incompetent fund appropriated by the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes, four hundred and ninety-five), and ten thousand dollars out of the Chickasaw national fund of sixty thousand dollars placed upon the books of the Treasury of the United States by the Indian appropriation Act of March third, nineteen hundred and one, to the credit of the Chickasaw tribe.

Commission to supply food, etc., to destitute Chickasaw.

Reimbursement of governor of Chickasaw Nation.

Proviso.
Only necessary expenses allowed.

Report.

SEC. 4. That D. H. Johnson, governor of the Chickasaw Nation, W. T. Ward, treasurer of said nation, and P. S. Mosly ex-governor of said nation, are hereby constituted a commission with authority to investigate and determine what Chickasaw citizens are destitute and in absolute need of help, and they are hereby authorized and empowered to supply said destitute Chickasaws with such food as may be necessary for their maintenance as they may determine to be right and proper. Said commission is also authorized to reimburse the governor of the Chickasaw nation for the actual expenses heretofore incurred by him in supplying indigent Chickasaws with necessary food and raiment, payment to be made from said fund: *Provided*, That the members of said Choctaw and Chickasaw commissions shall not be allowed any compensation for their services except the actual necessary expenses while engaged in said work: *Provided, further*, That each commission shall make full report to the legislative body of its respective nation giving the names of the persons receiving aid and the amount expended for each person, together with an itemized account of the expenses incurred by each commission.

Approved, April 29, 1902.

Apr. 30, 1902.

32 Stat., 183.

CHAP. 673.—An act to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway.

Omaha and Winnebago Reservation.
Right of way to Omaha Northern Railway Company extended.

1898, ch. 100, ante, p. 634.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time prescribed by an Act of Congress approved the twenty-sixth day of March, eighteen hundred and ninety-eight, entitled "An Act granting the right to the Omaha Northern Railway Company to construct a railway across, and establish stations on, the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," for the construction of said railway be, and the same is hereby, extended for a period of three years from the twenty-sixth day of March, nineteen hundred and one.

SEC. 2. That all other provisions of said Act are hereby continued in full force and effect.

Approved, April 30, 1902.

May 14, 1902.
32 Stat., 198.

CHAP. 788.—An act to amend an act entitled "An act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian land in Idaho."

Clearwater Valley Railroad Company.
Time extended for building road through Nez Perces lands, Idaho.
1899, ch. 219, ante, p. 679.
Extended to Feb. 28, 1903.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five of an Act approved February twenty-eighth, eighteen hundred and ninety-nine, entitled "An Act granting to the Clearwater Valley Railroad Company a right of way through the Nez Perces Indian lands in Idaho," be, and the same is hereby, amended so that the time for constructing said railroad through the Nez Perces Indian Reservation in the State of Idaho, and also through the lands formerly embraced within said reservation, but now allotted to individual members of the Nez Perces tribe of Indians, shall be extended to the twenty-eighth day of February, nineteen hundred and five.

Approved, May 14, 1902.

May 27, 1902.
32 Stat., 245.

CHAP. 888.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes.

Post, p. 799.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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[32 Stat., 249.]
Permanent annuities funded.
See note to 1889, ch. 317, ante, p. 321.
Vol. 2, p. 25.
Vol. 2, p. 58.
Vol. 2, p. 204.
Vol. 2, p. 756.
Vol. 2, p. 961.
Interest rate.
Ante, p. 729.

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Muscogee or Creek tribes the sum of nine hundred and ninety-nine thousand three hundred and sixty-eight dollars, being in full for the permanent annuities guaranteed them by the treaties of August seventh, seventeen hundred and ninety, June sixteenth, eighteen hundred and two, January twenty-fourth, eighteen hundred and twenty-six, August seventh, eighteen hundred and fifty-six, and June fourteenth, eighteen hundred and sixty-six, to be added to the Creek general fund already to the credit of said nation, and to draw interest at five per centum per annum until drawn out of the Treasury for the purpose named in the agreement with the Muscogee or Creek tribe of Indians ratified by Act of March first, nineteen hundred and one.

* * * * * * *

[32 Stat., 257.]
Mission Indians.
Provisos.
Purchase of land to locate Indians.
Allotment in severalty.
Ante, p. 33.
Allotments.
Expenses of removal.

For the support and civilization of the Mission Indians in California, one hundred thousand dollars, to be immediately available: *Provided*, That out of said sum the Secretary of the Interior be, and he is hereby, authorized to purchase a suitable tract of land in southern California and to locate thereon such Mission Indians heretofore residing or belonging to the Rancho San Jose del Valle, or Warners Ranch, in San Diego County, California, and such other Mission Indians as may not be provided with suitable lands elsewhere, as the Secretary of the Interior may see fit to locate thereon. And the Secretary of the Interior may at any time, in his discretion, cause the land so purchased to be allotted in severalty to the Indians located thereon, under the provisions of the Act of Congress entitled "An Act to provide for the allotment of land in severalty to the Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven: *Provided*, That such allotments shall be made in such quantities and to such classes as he may deem expedient: *Provided further*, That of said amount a sum not exceeding thirty thousand dollars may be expended, under the direction of the Secretary of the Interior, in the removal of said Indians to the said tract, and in the purchase of such building mate-

Commission to select land.

rials, agricultural implements, harness, subsistence supplies, and other necessaries, as may be required to properly establish the Indians at their new location: *Provided*, That the Secretary of the Interior shall appoint an advisory commission, consisting of three persons, who shall serve without compensation, to aid in the selection of said tract of land, and who shall make their final report and recommendation to the Secretary of the Interior within ninety days after such appointment. And the sum of one thousand dollars, or so much thereof as may be necessary, may be used out of the appropriation herein made for the purpose of paying the expenses of such commission.

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[32 Stat., 259.]
Survey, etc., of town sites, Indian Territory.
Ante, pp. 96, 646.

Provisos.
Appointment of commissioner on failure of Indian appointee, etc.
See note to 1898, ch. 517, ante, p. 656.

Definition of limits of small towns.

To pay all expenses incident to the survey, platting, and appraisement of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections fifteen and twenty-nine of an Act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, and all Acts amendatory thereof or supplemental thereto, fifty thousand dollars: *Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive of the Choctaw or Chickasaw nations fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner, appointed by the chief executive of the Choctaw or Chickasaw nations to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created: *Provided further*, That the limits of such towns in the Cherokee, Choctaw, and Chickasaw nations having a population of less than two hundred people, as in the judgment of the Secretary of the Interior should be established, shall be defined as early as practicable by the Secretary of the Interior in the same manner as provided for towns having over two hundred people under existing law, and the same shall not be subject to allotment. That the land so segregated and reserved from allotment shall be disposed of, in such manner as the Secretary of the Interior may direct, by a town-site commission, one member to be appointed by the Secretary of the Interior and one by the executive of the nation in which such land is located; proceeds arising from the disposition of such lands to be applied in like manner as the proceeds of other lands in town sites.

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[32 Stat., 260.]
Klamath Reservation, Oreg.
Allotment to children.
Ante, p. 33.

Ante, p. 56.

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be allotted, under the provisions of the Act of Congress approved February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws to the United States and the Territories over the Indians, and for other purposes," as amended by the Act approved February twenty-eighth, eighteen hundred and ninety-one, to each and every child born of a recognized member of any of the tribes of Indians located on the Klamath Reservation in Oregon since the completion of allotments to said tribes, eighty acres of agricultural or one hundred and sixty acres of grazing land within the reservation of said tribes.

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Walker River Reservation, Nev.
Allotment of irrigable land.

Payment for lands relinquished.

That the Secretary of the Interior be, and he is hereby, directed to allot from the land on the Walker River Reservation in Nevada susceptible of irrigation by the present ditches or extensions thereof twenty acres to each head of a family residing on said reservation, the remainder of such irrigable land to be allotted to such Indians on said reservation as the Secretary of the Interior may designate, not exceeding twenty acres each; and when a majority of the heads of families on said reservation shall have accepted such allotments and consented

Relinquished lands to be open to settlement.

to the relinquishment of the right of occupancy to land on said reservation which can not be irrigated from existing ditches and extensions thereof and land which is not necessary for dwellings, school buildings or habitations for the members of said tribe, such allottees who are heads of families shall receive the sum of three hundred dollars each to enable them to commence the business of agriculture, to be paid in such manner and at such times as may be agreed upon between said allottees and the Secretary of the Interior. And when such allotments shall have been made, and the consent of the Indians obtained as aforesaid, the President shall, by proclamation, open the land so relinquished to settlement, to be disposed of under existing laws. And the money necessary to pay said Indians is hereby appropriated out of any money in the Treasury not otherwise appropriated.

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[32 Stat., 262.]
Puyallup Reservation. Wash.
Commission to sell lands, etc.
Ante, p. 621.

For compensation of the commissioners authorized by the Indian appropriation Act approved June seventh, eighteen hundred and ninety-seven, to superintend the sale of land, and so forth, of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars.

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Chickasaw, Seneca, and Eastern Shawnee annuities.
Transferred to tribal funds.
31 Stat., 1062, 1068.
Interest.
See note to 1875, ch. 90, ante, p. 155.
Provisos.
Percapita payments to Eastern Shawnee and Seneca.
Balances to Chickasaw.
Deduction.
Acts of Eastern Shawnee and Seneca ratified.

That the following sums, placed upon the books of the Treasury by the Indian appropriation Act of March third, nineteen hundred and one (Thirty-first Statutes at Large, pages one thousand and sixty-two and one thousand and sixty-eight), to the credit of the tribes named, being in full for permanent annuities guaranteed by treaties to said tribes, shall draw interest at the rate of five per centum per annum from the following dates, namely: Chickasaw national fund, sixty thousand dollars, from July first, nineteen hundred and one; Seneca fund, seventy-three thousand eight hundred dollars, from July first, nineteen hundred and two; Eastern Shawnee fund, twenty thousand six hundred dollars, from July first, nineteen hundred and two: *Provided*, That the Secretary of the Interior be, and he is hereby, directed to pay, per capita, immediately upon the passage of this Act, to the members of the Eastern Shawnee and Seneca tribes of Indians entitled thereto, all moneys placed to the credit of said tribes upon the books of the Treasury and all trust funds held for said tribes by the Government in lieu of investments: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to place in the sub-treasury at Saint Louis, Missouri, to the credit of the national treasurer of the Chickasaw Nation the balance of the said Chickasaw national fund after deducting the ten thousand dollars appropriated out of said fund for the aid of certain indigent Chickasaws. And the Act of the councils of the Eastern Shawnee and of the Seneca nations, or tribes of the Indian Territory "Providing for the allotment of lands to certain minor children and for other purposes," passed, respectively on the second day of December, nineteen hundred and one, and the eighth day of January, nineteen hundred and two, are hereby ratified and approved.

United Peoria and Miami, Ind. T.
Saleofsurpluslands.
1889 ch. 422, ante, p 344.
Proviso.
Payment for services.

That so much of the Act approved March second, eighteen hundred and eighty-nine, entitled "An Act to provide for the allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes," which inhibits the sale of their surplus lands for twenty-five years from said date, be, and the same is hereby, repealed: *Provided*, That before any distribution per capita shall be made of the proceeds of any sale thereof among said Western Miami Indians, there shall first be paid such sum or sums as the Secretary of the Interior may determine to be due for services rendered or expenses incurred by any of the delegates or officers of said Western Miami tribe since the thirty-first day of March, eighteen hundred and ninety.

* * * * * * *

[32 Stat., 263.]
Uintah and White River Ute.
Allotment of irrigable land.
See note to 1874, ch. 136, ante, p. 151.
Post, p. 600.

Unallotted lands restored to public domain.

Proviso.
Homestead entries.

Mineral leases.
See note to 1888, ch. 310, ante, p. 271.

That the Secretary of the Interior, with the consent thereto of the majority of the adult male Indians of the Uintah and the White River tribes of Ute Indians, to be ascertained as soon as practicable by an inspector, shall cause to be allotted to each head of a family eighty acres of agricultural land which can be irrigated and forty acres of such land to each other member of said tribes, said allotments to be made prior to October first, nineteen hundred and three, on which date all the unallotted lands within said reservation shall be restored to the public domain: *Provided*, That persons entering any of said land under the homestead law shall pay therefor at the rate of one dollar and twenty-five cents per acre: *And provided further*, That nothing herein contained shall impair the rights of any mineral lease which has been approved by the Secretary of the Interior, or any permit heretofore issued by direction of the Secretary of the Interior to negotiate with said Indians for a mineral lease; but any person or company having so obtained such approved mineral lease or such permit to negotiate with said Indians for a mineral lease on said reservation, pending such time and up to thirty days before said lands are restored to the public domain as aforesaid, shall have in lieu of such lease or permit the preferential right to locate under the mining laws not to exceed six hundred and forty acres of contiguous mineral land, except the Raven Mining Company, which may in lieu of its lease locate one hundred mining claims of the character of mineral mentioned in its lease; and the proceeds of the sale of the lands so restored to the public domain shall be applied, first, to the reimbursement of the United States for any moneys advanced to said Indians to carry into effect the foregoing provisions; and the remainder, under the direction of the Secretary of the Interior, shall be used for the benefit of said Indians. And the sum of seventy thousand and sixty-four dollars and forty-eight cents is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to the Uintah and the White River tribes of Ute Indians, under the direction of the Secretary of the Interior, whenever a majority of the adult male Indians of said tribes shall have consented to the allotment of lands and the restoration of the unallotted lands within said reservation as herein provided.

Raven Mining Company.

Application of proceeds from sales.

Payments to Indians.

Said item of seventy thousand and sixty-four dollars and forty-eight cents to be paid to the Uintah and White River Utes covers claims which these Indians have made on account of the allotment of lands on the Uintah Reservation to Uncompahgre Indians and for which the Government has received from said Uncompahgre Indians money aggregating sixty thousand and sixty-four dollars and forty-eight cents; and the remaining ten thousand dollars claimed by the Indians under an Act of Congress detaching a small part of the reservation on the east and under which Act the proceeds of the sale of the lands were to be applied for the benefit of the Indians.

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[32 Stat., 265.]
Sioux Indians, Lower Brule band.
Claims for property losses.

Payment.

That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the claims of the members of the Lower Brule band of Sioux Indians for loss of property resulting from their forcible removal from their homes south of White River, in South Dakota, in the year eighteen hundred and ninety-three, and to determine what amounts they may be justly and equitably entitled to for the loss of such property, and to certify the same to the Secretary of the Treasury; and the Secretary of the Treasury is hereby authorized and directed to pay such sums so certified to him by the Secretary of the Interior to members of the Lower Brule band of Indians as aforesaid. And the sum of one thousand five hundred dollars, or so much thereof as may be necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for this purpose.

Crow Indians.
Distribution of cattle.
See note to 1882, ch. 74, ante, p. 195.
Ante, p. 482.
[32 Stat., 266.]

That the Secretary of the Interior is hereby authorized, with the consent of the tribe, to distribute the cattle belonging to the Crow tribe, known as the "common herd" and held as such under the ninth article of the agreement with said tribe of December eighth, eighteen hundred and ninety, ratified by the Act of March third, eighteen hundred and ninety-one (Twenty-sixth Statutes, ten hundred and forty-one), among the members of said tribe, to be held by them as individuals in the same manner as their other individual stock is held, after which the common herd shall cease to exist.

Distribution of "Crow herd fund."
Proviso.
Regulations.

The Secretary of the Interior is also authorized to distribute among the tribe per capita all of the money due or to become due said Indians from sales from the common herd, known as the "Crow herd fund": *Provided*, That the distribution of the cattle and payment of the money shall be made at such time and under such regulations as the Secretary of the Interior in his discretion may prescribe.

Purchase of stock cattle.

That the funds now in the Treasury of the United States to the credit of the Crow Indians in Montana, or any portion of it, may, with the consent of the tribe, be used by the Secretary of the Interior, in his discretion, in the purchase of stock cattle to be distributed among the members of the tribe under such regulations as he may prescribe.

Southern Ute, Colo.
Right of way, irrigation ditches.
See note to 1874, ch. 186, ante, p. 151.
Proviso.
Consent of Indians.

That the Secretary of the Interior be, and he is hereby, authorized and empowered, under general regulations to be fixed by him, to permit the use of the right of way through the allotted lands of the Southern Ute Indians in Colorado for irrigating ditches to the extent of the ground occupied by the water in said ditches and such number of feet on each side of the marginal limits thereof as may be necessary in maintaining and operating the ditches: *Provided*, That no application for such right of way shall be granted unless accompanied by the consent, in writing, of the allottee or allottees whose land may be affected thereby.

Southern Ute Reservation, Colo.
Irrigation contract authorized.
Provisos.
Conditions.
Bond required.

That the Secretary of the Interior shall make investigation as to the practicability of providing a water supply for irrigation purposes to be used on a portion of the reservation of the Southern Utes in Colorado, and he is authorized, in his discretion, to contract for and to expend from the funds of said Southern Utes in the purchase of perpetual water rights sufficient to irrigate not exceeding ten thousand acres on the western part of the Southern Ute Reservation and for annual charges for maintenance of such water thereon such amount and upon such terms and conditions as to him may seem just and reasonable, not exceeding one hundred and fifty thousand dollars for the purchase of such perpetual water rights and not exceeding a maximum of fifty cents per acre per annum for the maintenance of water upon the land to be irrigated: *Provided*, That after such an investigation he shall find all the essential conditions relative to the water supply and to the perpetuity of its availability for use upon said lands such as in his judgment will justify a contract for its perpetual use: *Provided further*, That the Secretary of the Interior, upon making all such contracts, shall require from the person or persons entering upon such contract a bond of indemnity, to be approved by him, for the faithful and continuous execution of such contract as provided therein.

Spokane Reservation, Wash.
Only mineral lands subject to entry.
Proviso.
Lands excepted.
Post, p. 799.

That the mineral lands only in the Spokane Indian Reservation, in the State of Washington, shall be subject to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision.

* * * * * * *

[32 Stat., 267.]
Omaha.
Payment per capita.
See note to 1882, ch. 434, ante, p. 212.

That the Secretary of the Interior may, in his discretion, pay per capita to the Omaha Indians entitled thereto the sum of one hundred thousand dollars from their principal now to their credit in the Treasury of the United States and derived from the sale of their lands in

Nebraska under section three of the act of Congress approved August seventh, eighteen hundred and eighty-two (Twenty-second Statutes, page three hundred and forty-one), under such regulations as may be prescribed by him.

Iowa.
Payment per capita.
1891, ch. 105, ante, p. 398.

That the Secretary of the Interior may, in his discretion, pay per capita to the Iowa Indians, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto, the sum of seventy-eight thousand dollars from their principal now to their credit in the Treasury of the United States.

Sauk and Foxes of Missouri.
Payment per capita.
See note to 1886, ch. 257, ante, p. 228.

That the Secretary of the Interior may, in his discretion, pay per capita to the Sac and Fox Indians of Missouri, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto, the sum of seventy-nine thousand dollars from their principal now to their credit in the Treasury of the United States.

Sioux of Crow Creek Reservation, S. Dak.
Distribution of fund.
See note to 1876, ch. 289, ante, p. 166.

That of the principal sum of one hundred and sixty-eight thousand three hundred and thirty-five dollars and ten cents now in the Treasury of the United States to the credit of the Sioux Indians of the Crow Creek Reservation in South Dakota, drawing interest at four per centum per annum, sixty thousand dollars may be used for the purchase of stock cattle, twenty-five thousand dollars may be paid pro rata in cash, and eighty-three thousand three hundred and thirty-five dollars and ten cents may be used in the purchase of cattle fence wire, in the construction of storage reservoirs, in the improvement of their allotments, and in any other manner that will best promote their welfare and civilization, all in the discretion of the Secretary of the Interior.

* * * * * * *

[32 Stat., 268.]
Chippewa Indians of Minnesota.
Payment for stumpage.
Ante, p. 80.

The Secretary of the Interior is hereby authorized and directed to pay, under such regulations as he may prescribe, to the Chippewa Indians of Minnesota entitled thereto, the money now to their credit in the Treasury of the United States derived from stumpage on dead and down timber cut on ceded Indian lands under the act of June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes, page ninety).

Mille Lac Reservation, Minn.
Payment to Indians removing.
1889, ch. 24, ante, p. 301.

For payment to the Indians occupying the Mille Lac Indian Reservation, in the State of Minnesota, the sum of forty thousand dollars, or so much thereof as may be necessary, to pay said Indians for improvements made by them, or any of them, upon lands occupied by them on said Mille Lac Indian Reservation, said payment to be made upon investigation, examination, and appraisement by the Secretary of the Interior, upon condition of said Indians removing from said Mille Lac Reservation: *Provided*, That any Indian who has leased or purchased any Government subdivision of land within said Mille Lac Reservation from or through a person having title to said land from the Government of the United States shall not be required to move from said reservation, but shall be entitled to the benefits of said appropriation to all intents and purposes as though they had removed from said reservation: *And provided further*, That this appropriation shall be paid only after said Indians shall, by proper council proceedings, have accepted the provisions hereof and declared the manner in which they wish the money disbursed; and said Indians upon removing from said Mille Lac Reservation shall be permitted to take up their residence and obtain allotments in severalty either on the White Earth Reservation or on any of the ceded Indian reservations in the State of Minnesota on which allotments are made to Indians.

Provisos.
Indians permitted to remain.

Action by council of Indians.

* * * * * * *

Approved, May 27, 1902.

June 13, 1902.

32 Stat., 384.

Chap. 1080.—An act providing for free homesteads in the Ute Indian Reservation in Colorado.

Ute Indian Reservation, Colo.
Homestead laws extended over former.
See note to 1874, ch. 136, ante, p. 151.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the homestead laws be, and are hereby, extended over and shall apply to the lands included within the limits of the former Ute Indian Reservation in Colorado not included in any forest reservation, in addition to the provisions of existing laws relating to cash entries thereon:

Proviso.
Entries prohibited.

Provided, That no selection or entry of lands in lieu of land included within a forest reservation or of soldiers' or sailors' additional homesteads shall be allowed within said limits.

Reimbursement of Ute Indians.

Sec. 2. That all sums of money that may be lost to the Ute Indian fund by reason of the passage of this Act shall be paid into the fund by the United States, and all moneys received by reason of the commutation of any homestead entry shall be credited to said Ute Indian fund.

Government improved lands excepted.

Sec. 3. That no lands shall be included in any location or settlement under the provisions of this Act on which the United States Government has valuable improvements.

Approved, June 13, 1902.

June 27, 1902.

32 Stat., 400.

Chap. 1157.—An act to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine.

Chippewa Indians of Minnesota.
Relief and civilization of.
Ante, p. 303.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of an Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, be, and the same is hereby, amended so as to read as follows:

Survey of ceded lands.
See note to 1889, ch. 24, ante, p. 301.

"Sec. 4. That as soon as the cession and relinquishment of said Indian title has been obtained and approved as aforesaid, it shall be the duty of the Commissioner of the General Land Office to cause the land so ceded to the United States to be surveyed in the manner provided by law for the survey of public lands, and as soon as practicable after such survey has been made and the report, field notes, and plats thereof filed in the General Land Office and duly approved by the Commissioner thereof, the said Secretary of the Interior, upon notice of the completion of such surveys, shall appoint a sufficient number of competent and experienced examiners, in order that the work may be done within a reasonable time, who shall go upon said lands thus surveyed and personally make a careful, complete, and thorough examination of the same by forty-acre lots, for the purpose of ascertaining on which lots or tracts there is standing or growing pine timber, which tracts on which pine timber is standing or growing for the purposes of this Act shall be termed 'pine lands,' the minutes of such examination to be at the time entered in books provided for that purpose, showing which of such lands are pine lands and which are agricultural lands, as hereinafter designated, which reports of all such examinations shall be filed with the Commissioner of the General Land Office as a part of the permanent records thereof, and thereupon that officer shall cause to be made lists of all such pine lands and agricultural lands, describing each forty-acre lot or tract thereof separately, and thereupon such lists of land shall be transmitted to the Secretary of the Interior for approval, modification, or rejection, as he may deem proper. If the lists thus made are rejected as a whole, then the Secretary of the Interior shall substitute new lists, and the same or original lists as approved or modified shall be filed with the Commissioner of the General Land

Subdivision into forty-acre lots.

"Pine lands."

Lists to be approved by Secretary of the Interior.

Duplicate lists, etc.

Copies of lists.

Office as the lists of said lands. Duplicate lists of said lands, together with copies of the field notes, surveys, and minutes of examination, shall be filed and kept in the office of the register of the land office of the district within which lands may be situated, and copies of said lists shall be furnished to any person desiring the same upon application to the Commissioner of the General Land Office or to the register of said local land office.

Maximum per diem compensation.

"The compensation of the examiners so provided for in this section shall be fixed by the Secretary of the Interior, but in no event shall exceed the sum of eight dollars per day for each person so employed, including all expenses.

"Agricultural lands."

"All other lands acquired from the said Indians on said reservations, other than pine lands, are for the purposes of this Act termed 'agricultural lands.'"

Ante, p. 304.

SEC. 2. That section five of said Act be amended so as to read as follows:

Sale of pine timber.

Provisos.

Sealed bids.

Bids in groups.

Minimum price.

Secretary of the Interior may increase price.

Erection of sawmill.

Lease of land limited.

"SEC. 5. That whenever, and as often as the survey, examination, and lists of one hundred thousand acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be scaled under Scribner's rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine land, with the exception of five per centum of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: *Provided*, That said pine timber shall be advertised for sale in Government sections or parts of sections, and shall be sold only by separate sealed bids for the pine timber on each section, and the Secretary of the Interior shall reserve the right to reject any or all of said bids: *Provided*, That the Secretary of the Interior may also receive bids in groups of not exceeding ten sections in any one bid, which bids may be in addition to the separate bids by sections on the same lands. The parties bidding shall accompany each of said sealed bids with cash or certified check for twenty per centum of the amount of the bid for the pine timber on any particular section or groups, according to the highest value as shown by the Government estimate as hereinbefore provided for, and said cash or certified check shall be retained and credited as part payment of the purchase price should the bid be accepted, but should the bid be rejected said cash or certified check shall be immediately returned to the bidder: *Provided further*, That said timber shall not be sold at a price less than four dollars per thousand feet board measure for Norway pine and five dollars per thousand feet board measure for white pine: *Provided further*, That the Secretary of the Interior may increase said minimum price on portions of said timber as he may deem just and proper: *Provided further*, That said Secretary may, if he shall deem it best, permit the purchaser of the timber on any Government section or group to erect a mill of a capacity of not less than forty thousand feet board measure of lumber per day, and to manufacture thereat the timber on said Government sections or groups, said mill to be located on said section or group, or at such place in the immediate vicinity as may be designated by said Secretary; and the said Secretary is authorized to lease to such purchaser not exceeding three hundred and twenty acres of land for mill purposes, for any one purchase, at an annual rental to be fixed by the Secretary of the Interior, for a renewable term not exceeding ten years, said term to end, in any event, so soon as the timber purchased shall have been sawed and removed, said lease of land to be exclusive of the timber thereon, which timber shall be

Publication of notice of sale.

disposed of as herein provided for other timber: *And provided further*, That prior to any sale the Secretary of the Interior shall cause notices of said sale to be inserted once in each week, for four successive weeks, in one newspaper of general circulation, published in each of the following cities, namely: Minneapolis, Saint Paul, Duluth, Winona, and Crookston, Minnesota; Chicago, Illinois; Milwaukee, La Crosse, Ashland, Wausau, and Marinette, Wisconsin; Detroit, Saginaw, Menominee, and Bay City, Michigan; Philadelphia and Williamsport, Pennsylvania; Boston, Massachusetts; New Orleans, Louisiana; Saint Louis, Missouri; Albany, New York, and Dubuque, Davenport, and Burlington, Iowa, and in the following trade journals, to wit: The Northwestern Lumberman, of Chicago, Illinois, and the Mississippi Valley Lumberman, of Minneapolis, Minnesota, of the sale of said timber as herein provided to the highest bidder, with the right to reject any and all bids, the first publication of said notices to be at least six calendar months prior to said sale, said notices to state the time and place and the terms of such sale, and to contain a general description of the lands from which the timber is to be sold, and shall refer intended bidders to the printed lists to be obtained from the Commissioner of the General Land Office or register of the local land office, as provided in section four of this Act. Said notices shall also state in what tracts or parcels the timber is to be sold: *Provided*, That one additional notice calling attention particularly to the date of the sale shall be published thirty days prior to the day fixed for the sale in the first advertisement: *Provided further*, That in cutting the timber on two hundred thousand acres of the pine lands, to be selected as soon as practicable by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to wit, Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnebigoshish, which said lands so selected shall be known and hereinafter described as 'forestry lands,' the purchaser shall be required to leave standing five per centum of the pine timber thereon for the purpose of reforestation, as hereinafter provided, said five per centum to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the Forester of the Department of Agriculture and approved by the Secretary of the Interior: *Provided further*, That there shall be reserved from sale or settlement the timber and land on the islands in Cass Lake and in Leech Lake, and not less than one hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates seven thousand acres, and in addition thereto ten sections in area on said reservations last aforesaid, to be selected by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, in lots not less than three hundred and twenty acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech lakes and the land reserved at Sugar Point and Pine Point Peninsula shall remain as Indian land under the control of the Department of the Interior.

Time of publication.

Provisos. Additional notice of date of sale.

Forestry reservation.

Additional reservations.

Allotment to Indians not affected.

Terms of agreements.

"Each and every purchaser of timber hereunder shall be required and shall enter into an agreement to cut clean and remove all the merchantable pine timber, whether green or dead, standing or fallen, on each tract, subdivision, or lot covered by his purchase, except on the forestry lands as hereinbefore provided, within such time as the Secretary of the Interior may direct, and under such rules and regulations as he may prescribe, and to cut no timber other than pine, except such as may be absolutely necessary in the economical conduct of the logging operations, and to burn or remove a sufficient amount of the tops and refuse to prevent danger from fire to the timber left standing, under rules and regulations to be prescribed by the Secretary of the Interior, and, when practicable, to employ Indian labor in the cutting, handling, and manufacture of said timber. And each and every purchaser shall be required to give a bond in a sufficient penalty, to be approved by the Secretary of the Interior, for the faithful performance of said agreement and for the observance of the regulations of the Secretary of the Interior concerning the sale, cutting, and removal of such timber: *Provided*, That the Secretary of the Interior shall, upon application, furnish to any persons who may expect to bid, not more than ninety days prior to the date of the sale of any pine timber hereinbefore mentioned, a statement of the rules and regulations under which said pine timber shall be cut and the tops and refuse thereof burnt or removed, and of the time within which said timber must be removed.

Indian labor.

Bond.

Proviso.
Rules and regulations.

"Before being removed from the tract from which they are cut, all logs cut hereunder shall be stamped and bark-marked by the logger and numbered and scaled by competent and experienced scalers, to be appointed by the Secretary of the Interior and paid such reasonable salaries as may be fixed by him. Said scalers shall keep in suitable books for reference a record of the marks, also a complete list of the numbers of all logs, with the scale of each log set opposite its number, said scale books to be open to the inspection of the check scaler or to any authorized Government representative at all times; and said logs shall be landed separately from all other logs, and the title to said logs shall remain in the United States for the benefit of the Indians; and said logs shall not be removed from the place of landing until the purchase price agreed upon shall be fully paid to such officer of the Indian Department as shall be designated by the Secretary of the Interior to account for and receive the same. And the Secretary of the Interior may, at the request of the chiefs of said bands or tribes of Chippewa Indians of the State of Minnesota interested in the said timber sales, appoint check scalers to verify and inspect the work of the Government scalers; the said check scalers to be designated by said chiefs and paid out of the funds of the Indians such reasonable compensation as may be fixed by the Secretary of the Interior.

Log marking, scaling, etc.

Record of marks, etc.

Payment.

Inspection.

"After the merchantable pine timber on any tract, subdivision, or lot shall have been removed, such tract, subdivision, or lot shall, except on the forestry lands aforesaid, for the purposes of this Act, be classed and treated as agricultural lands, and shall be opened to homestead entry in accordance with the provisions of this Act: *Provided*, That on the forestry lands aforesaid, as soon as the merchantable pine timber now thereon shall have been removed from any tract, subdivision, or lot, as herein provided, such tract, subdivision, or lot shall, without further Act, resolution, or proclamation, forthwith become and be part of a forest reserve, the same as though set apart by proclamation of the President in accordance with the Act of Congress approved March third, eighteen hundred and ninety-one, and subsequent laws amending and supplementing the same, and shall be managed and protected in accordance with their provisions and the rules and regulations made and to be made in furtherance thereof: *And provided further*, That on said forestry lands aforesaid said pine timber shall be cut clean, except as to the five per centum as hereinbefore provided, and removed under the supervision and direction of the Forester of the Department of Agriculture, in accordance with rules and regulations to be prescribed by him and approved by the Secretary of the Interior, and the said Forester shall have power at all times to patrol and protect said lands and forests, and to enforce all rules and regulations made by him as aforesaid.

Open to homestead entry.

Proviso.
Forest reserve.

26 Stat., 1103.

Forestry land regulations.

"As soon as practicable after the passage of this Act the Secretary of the Interior shall open to homestead settlement, as herein provided,

Homestead settlement of agricultural lands.

the lands on all the reservations, or portions of reservations, which have been ceded to the United States by the Chippewa Indians in Minnesota, including the four reservations last aforesaid, which have been examined and found to be agricultural lands, and shall immediately proceed to have examined, as herein provided, the remaining lands, and shall without delay open to homestead settlement those found to be agricultural lands: *Provided*, That on the four reservations last aforesaid, where agricultural lands are included within or contiguous to forestry lands and are, in the opinion of the Forester of the Agricultural Department, necessary to the economical administration and protection of the same, said Forester shall, as soon as practicable after the passage of this Act as to those lands which have already been examined, and as to the lands not yet examined immediately after the examination and approval of the lists of said lands, of which approval said Forester shall be immediately notified by the Secretary of the Interior, file with the Secretary of the Interior schedules designating according to Government subdivisions said agricultural lands, not to exceed fifteen thousand acres of the lands already examined and not to exceed ten thousand acres of the lands yet to be examined, which said agricultural lands so designated shall not be offered for entry and settlement, but shall become and be a part of the forest reserve hereinbefore created.

Proviso.
Agricultural lands reserved.

Superintendent, etc.

Compensation.

"There shall be appointed by the Secretary of the Interior one superintendent and such assistants as he may deem necessary, whose compensation shall be fixed by the Secretary of the Interior, and for the superintendent shall not exceed six dollars per day, and for the assistants shall not exceed four dollars per day each, while actually employed, and whose duties shall be to supervise the cutting and scaling of the timber sold under the provisions of this Act, and to see that the rules and regulations prescribed by the Forester and the Secretary of the Interior are complied with, and generally to perform such services in and about the sale of the pine timber on said lands, and the cutting of the same therefrom, and the care and protection of all timber on said lands, as may be required of them by said Forester and said Secretary.

Dams, etc.

"The Secretary of the Interior may, in his discretion, authorize the purchasers of timber hereunder to build on the rivers and lakes on or within said ceded lands, under such rules and regulations as he may deem proper, dams, cofferdams, booms, and to make other river and lake improvements necessary to facilitate logging operations: *Provided*, That the parties building such dams, cofferdams, booms, and making other river and lake improvements shall pay the officer whom the Secretary of the Interior shall designate to receive such payments such damages as may be caused on the said ceded lands, such damages to be ascertained and determined in such manner as the Secretary of the Interior may direct.

Proviso.
Damages.

Expenses.

"All the expenses incurred in carrying out the provisions of this Act as to the examining and listing of said lands, and the selling, cutting, and scaling of said timber, shall be paid by the Secretary of the Interior out of the proceeds of the sale of said timber: *Provided*, That no expense arising out of the forestry provision shall be charged to the Indians."

Proviso.
No expense to be charged to Indians.

Sales of timber.
Ante, p. 305.

SEC. 3. That section seven of said Act be amended by inserting after the word "lands," in line one thereof, the words "and timber."

Sale of dead timber repealed.
Ante, p. 89.

SEC. 4. That so much of the Act of June seventh, eighteen hundred and ninety-seven, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," as authorizes the sale of dead timber, standing or fallen, under regulations prescribed by the Secretary of the Interior, on the Chippewa reservations and ceded lands in the State of Minnesota, is hereby repealed: *Provided*, That nothing herein contained shall be held in any way to affect contracts already entered into and now in force for the sale and cutting of dead timber, standing or fallen, on said reservations and ceded lands.

Proviso.
Prior contracts.

Sec. 5. That the Secretary of the Interior shall proceed as speedily as practicable to complete the allotments to the Indians, which allotments shall be completed before opening the agricultural land to settlement.

Allotments to Indians.

Approved, June 27, 1902.

June 30, 1902.
32 Stat., 500.

Chap. 1323.—An act to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following supplemental agreement, submitted by certain commissioners of the Creek tribe of Indians, as herein amended, is hereby ratified and confirmed on the part of the United States, and the same shall be of full force and effect if ratified by the Creek tribal council on or before the first day of September, nineteen hundred and two, which said supplemental agreement is as follows:

Commission to the Five Civilized Tribes.
Supplemental agreement with Creeks ratified.
See note to 1889, ch. 317, ante, p. 321.

This agreement by and between the United States, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Thomas B. Needles, and Clifton R. Breckenridge, duly appointed and authorized thereunto, and the Muskogee (or Creek) Tribe of Indians, in Indian Territory, entered into in behalf of the said tribe by Pleasant Porter, principal chief, Roley McIntosh, Thomas W. Perryman, Amos McIntosh, and David M. Hodge, commissioners duly appointed and authorized thereunto, witnesseth, that in consideration of the mutual undertakings herein contained it is agreed as follows:

United States commissioners.

Indian commissioners.

DEFINITIONS.

The words "Creek" and "Muskogee" as used in this agreement shall be deemed synonymous, and the words "Nation" and "tribe" shall each be deemed to refer to the Muskogee Nation or Muskogee tribe of Indians in Indian Territory. The words "principal Chief" shall be deemed to refer to the principal chief of the Muskogee Nation. The words "citizen" or "citizens" shall be deemed to refer to a member or members of the Muskogee tribe or nation of Indians. The word "Commissioner" shall be deemed to refer to the United States Commission to the Five Civilized Tribes.

Definitions of terms.

ALLOTMENT OF LANDS.

2. Section 2 of the agreement ratified by act of Congress approved March, 1901 (31 Stat. L., 861), is amended and as so amended is reenacted to read as follows:

Allotment of lands, ante, p. 730.

All lands belonging to the Creek tribe of Indians in Indian Territory, except town sites and lands reserved for Creek schools and churches, railroads, and town cemeteries, in accordance with the provisions of the act of Congress approved March 1, 1901 (31 Stat. L., 861), shall be appraised at not to exceed $6.50 per acre, excluding only lawful improvements on lands in actual cultivation.

Limit of appraisement per acre.

Such appraisement shall be made, under the direction and supervision of the Commission to the Five Civilized Tribes, by such number

Appraisements.

Revision and approval.

of committees with necessary assistance as may be deemed necessary to expedite the work, one member of each committee to be appointed by the principal chief. Said Commission shall have authority to revise and adjust the work of said committees; and if the members of any committee fail to agree as to the value of any tract of land, the value thereof shall be fixed by said Commission. The appraisement so made shall be submitted to the Secretary of the Interior for approval.

Allotments.
Ante, p. 730.

3. Paragraph 2 of section 3 of the agreement ratified by said act of Congress approved March 1, 1901, is amended and as so amended is reenacted to read as follows:

Equitable allotments.

If any citizen select lands the appraised value of which is $6.50 per acre, he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and moneys equal in value to his allotment.

Jurisdiction of the Commission.

4. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes to determine, under the direction of the Secretary of the Interior, all controversies arising between citizens as to their right to select certain tracts of land.

Correction of errors made in selecting lands.

Cancellation of allotment certificate.

Contests.
Lapse of time nonprejudicial.

5. Where it is shown to the satisfaction of said Commission that it was the intention of a citizen to select lands which include his home and improvements, but that through error and mistake he had selected land which did not include said home and improvements, said Commission is authorized to cancel said selection and the certificate of selection or allotment embracing said lands, and permit said citizen to make a new selection including said home and improvements; and should said land including said home and improvements have been selected by any other citizen of said nation, the citizen owning said home and improvements shall be permitted to file, within ninety days from the ratification of this agreement, a contest against the citizen having previously selected the same and shall not be prejudiced therein by reason of lapse of time or any provision of law or rules and regulations to the contrary.

DESCENT AND DISTRIBUTION.

Descent and distribution.
Ante, p. 731.
Repeal.
Distribution, etc., to accord with chapter 49, Mansfield's Digest.
Provisos.
Inheritors.

Noncitizen heirs.

6. The provisions of the act of Congress approved March 1, 1901 (31 Stat. L., 861), in so far as they provide for descent and distribution according to the laws of the Creek Nation, are hereby repealed and the descent and distribution of land and money provided for by said act shall be in accordance with chapter 49 of Mansfield's Digest of the Statutes of Arkansas now in force in Indian Territory: *Provided*, That only citizens of the Creek Nation, male and female, and their Creek descendants shall inherit lands of the Creek Nation: *And provided further*, That if there be no person of Creek citizenship to take the descent and distribution of said estate, then the inheritance shall go to noncitizen heirs in the order named in said chapter 49.

ROLLS OF CITIZENSHIP.

Rolls of citizenship.
Ante, p. 736.

Allotment, etc., to descend to heirs.

7. All children born to those citizens who are entitled to enrollment as provided by the act of Congress approved March 1, 1901 (31 Stat. L., 861), subsequent to July 1, 1900, and up to and including May 25, 1901, and living upon the latter date, shall be placed on the rolls made by said commission. And if any such child has died since May 25, 1901, or may hereafter die before receiving his allotment of lands and distributive share of the funds of the tribe, the lands and moneys to which he would be entitled if living shall descend to his heirs as herein provided and be allotted and distributed to them accordingly.

Children not listed for enrollment, etc.

8. All children who have not heretofore been listed for enrollment living May 25, 1901, born to citizens whose names appear upon the authenticated rolls of 1890 or upon the authenticated rolls of 1895 and entitled to enrollment as provided by the act of Congress approved

Death before allotment.

Heirs.

March 1, 1901 (31 Stat. L., 861), shall be placed on the rolls made by said commission. And if any such child has died since May 25, 1901, or may hereafter die, before receiving his allotment of lands and distributive share of the funds of the tribe, the lands and moneys to which he would be entitled if living shall descend to his heirs as herein provided and be allotted and distributed to them accordingly.

Supplemental roll of citizens.
Ante, p. 729.

Proviso.
Names added to roll.

9. If the rolls of citizenship provided for by the act of Congress approved March 1, 1901 (31 Stat. L., 861), shall have been completed by said commission prior to the ratification of this agreement, the names of children entitled to enrollment under the provisions of sections 7 and 8 hereof shall be placed upon a supplemental roll of citizens of the Creek Nation, and said supplemental roll when approved by the Secretary of the Interior shall in all respects be held to be a part of the final rolls of citizenship of said tribe: *Provided*, That the Dawes Commission be, and is hereby, authorized to add the following persons to the Creek roll: Nar-wal-le-pe-se, Mary Washington, Walter Washington and Willie Washington, who are Creek Indians but whose names were left off the roll through neglect on their part.

ROADS.

Roads.

On section lines.

Elsewhere.

Damages.

10. Public highways or roads 3 rods in width, being 1 and one-half rods on each side of the section line, may be established along all section lines without any compensation being paid therefor; and all allottees, purchasers, and others shall take the title to such lands subject to this provision. And public highways or roads may be established elsewhere whenever necessary for the public good, the actual value of the land taken elsewhere than along section lines to be determined under the direction of the Secretary of the Interior while the tribal government continues, and to be paid by the Creek Nation during that time; and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, whether along section lines or elsewhere, such damages, during the continuance of the tribal government, shall be determined and paid in the same manner.

Town sites.
Ante, p. 106.
Ante, p. 731.

Railroad stations, reservations.

Pay for improvements.

Provisos.
Right to purchase.
Ante, p. 731.

Limit for town sites.

Percentage of net proceeds of sale.

11. In all instances of the establishment of town sites in accordance with the provisions of the act of Congress approved May 31, 1900 (31 Stat. L., 231), or those of section 10 of the agreement ratified by act of Congress approved March 1, 1901 (31 Stat. L., 861), authorizing the Secretary of the Interior, upon the recommendation of the Commission to the Five Civilized Tribes, at any time before allotment, to set aside and reserve from allotment any lands in the Creek Nation not exceeding 160 acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed, or be in process of construction, in or through said nation prior to the allotment of lands therein, any citizen who shall have previously selected such town site, or any portion thereof, for his allotment, or who shall have been by reason of improvements therein entitled to select the same for his allotment, shall be paid by the Creek Nation the full value of his improvements thereon at the time of the establishment of the town site, under rules and regulations to be prescribed by the Secretary of the Interior: *Provided, however*, That such citizens may purchase any of said lands in accordance with the provisions of the Act of March 1, 1901 (31 Stat. L., 61): *And provided further*, That the lands which may hereafter be set aside and reserved for town sites upon recommendation of the Dawes Commission as herein provided shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, and not to exceed 640 acres for each town site, and 10 per cent of the net proceeds arising from the sale of that portion of the

land within the town site so selected by him, or which he was so entitled to select; and this shall be in addition to his right to receive from other lands an allotment of 160 acres.

Cemeteries.

CEMETERIES.

Desecrating graves prohibited.

Punishment.

12. A cemetery other than a town cemetery included within the boundaries of an allotment shall not be desecrated by tillage or otherwise, but no interment shall be made therein except with the consent of the allottee, and any person desecrating by tillage or otherwise a grave or graves in a cemetery included within the boundaries of an allotment shall be guilty of a misdemeanor, and upon conviction be punished as provided in section 567 of Mansfield's Digest of the Statutes of Arkansas.

Sale of cemetery lots.
Ante, p. 734.

Reversion of land in case of nonpayment.
Parks.

13. Whenever the town site surveyors of any town in the Creek Nation shall have selected and located a cemetery, as provided in section 18 of the act of Congress approved March 1, 1901 (31 Stat. L., 861), the town authorities shall not be authorized to dispose of lots in such cemetery until payment shall have been made to the Creek Nation for land used for said cemetery, as provided in said act of Congress, and if the town authorities fail or refuse to make payment as aforesaid within one year of the approval of the plat of said cemetery by the Secretary of the Interior, the land so reserved shall revert to the Creek Nation and be subject to allotment. And for lands heretofore or hereafter designated as parks upon any plat or any town site the town shall make payment into the Treasury of the United States to the credit of the Creek Nation within one year at the rate of $20 per acre, and if such payment be not made within that time the lands so designated as a park shall be platted into lots and sold as other town lots.

Miscellaneous.

MISCELLANEOUS.

Funds to be paid per capita to citizens, etc.

14. All funds of the Creek Nation not needed for equalization of allotments, including the Creek school fund, shall be paid out under direction of the Secretary of the Interior per capita to the citizens of the Creek Nation on the dissolution of the Creek tribal government.

Repeal of court-house lands.
Ante, p. 736.

15. The provisions of section 24 of the act of Congress approved March 1, 1901 (31 Stat. L., 861), for the reservation of land for the six established Creek court-houses, is hereby repealed.

Allotted lands not to be encumbered, etc.

Homesteads inalienable for 21 years.

Deed.

16. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation nor be alienated by the allottee or his heirs before the expiration of five years from the date of the approval of this supplemental agreement, except with the approval of the Secretary of the Interior. Each citizen shall select from his allotment forty acres of land, or a quarter of a quarter section, as a homestead, which shall be and remain nontaxable, inalienable, and free from any incumbrance whatever for twenty-one years from the date of the deed therefor, and a separate deed shall be issued to each allottee for his homestead, in which this condition shall appear.

Homesteads for minors, etc.
Ante, p. 731.

Disposition after death of allottee.

Selections of homesteads for minors, prisoners, convicts, incompetents and aged and infirm persons, who can not select for themselves, may be made in the manner provided for the selection of their allotments, and if for any reason such selection be not made for any citizen it shall be the duty of said Commission to make selection for him. The homestead of each citizen shall remain, after the death of the allottee, for the use and support of children born to him after May 25, 1901, but if he have no such issue then he may dispose of his homestead by will, free from the limitation herein imposed, and if this be not done the land embraced in his homestead shall descend to his heirs, free from such limitation, according to the laws of descent herein

Agreement void.

otherwise prescribed. Any agreement or conveyance of any kind or character violative of any of the provisions of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity.

Ante, p. 738.

17. Section 37 of the agreement ratified by said act of March 1, 1901, is amended, and as so amended is reenacted to read as follows:

Grazing leases.

Leases to be approved by Secretary of the Interior.

Leases, etc., void.

Tribal tax.

Grazing tax.

R. S., sec. 2117.

"Creek citizens may rent their allotments, for strictly nonmineral purposes, for a term not to exceed one year for grazing purposes only and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same. Such leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes, and leases for mineral purposes may also be made with the approval of the Secretary of the Interior, and not otherwise. Any agreement or lease of any kind or character violative of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Creek Nation and grazed on lands not selected for allotment by citizens, the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Creek lands."

Permits to graze.

Applications.

Restraint of cattle.

Reparation for trespass.

18. When cattle are introduced into the Creek Nation to be grazed upon either lands not selected for allotment or upon lands allotted or selected for allotment the owner thereof, or the party or parties so introducing the same, shall first obtain a permit from the United States Indian Agent, Union Agency, authorizing the introduction of such cattle. The application for said permit shall state the number of cattle to be introduced, together with a description of the same, and shall specify the lands upon which said cattle are to be grazed, and whether or not said lands have been selected for allotment. Cattle so introduced and all other live stock owned or controlled by noncitizens of the nation shall be kept upon inclosed lands, and if any such cattle or other live stock trespass upon lands allotted to or selected for allotment by any citizen of said nation, the owner thereof shall, for the first trespass, make reparation to the party injured for the true value of the damages he may have sustained, and for every trespass thereafter double damages to be recovered with costs, whether the land upon which trespass is made is inclosed or not.

Punishment for violation.

Any person who shall introduce any cattle into the Creek Nation in violation of the provisions of this section shall be deemed guilty of a misdemeanor and punished by a fine of not less than $100, and shall stand committed until such fine and costs are paid, such commitment not to exceed one day for every $2 of said fine and costs; and every day said cattle are permitted to remain in said nation without a permit for their introduction having been obtained shall constitute a separate offense.

Ante, p. 731.

19. Section 8 of the agreement ratified by said act of March 1, 1901, is amended and as so amended is reenacted to read as follows:

Possession of allotment.

Protection of allottee.

"The Secretary of the Interior shall, through the United States Indian agent in said Territory, immediately after the ratification of this agreement, put each citizen who has made selection of his allotment in unrestricted possession of his land and remove therefrom all persons objectionable to him; and when any citizen shall thereafter make selection of his allotment as herein provided and receive certificate therefor, he shall be immediately thereupon so placed in possession of his land, and during the continuance of the tribal government the Secretary of the Interior, through such Indian agent, shall protect the allottee in his right to possession against any and all persons claiming under any lease, agreement, or conveyance not obtained in conformity to law."

Repeal.
Ante, p. 730.

20. This agreement is intended to modify and supplement the agreement ratified by said act of Congress approved March 1, 1901, and shall be held to repeal any provision in that agreement or in any prior agreement, treaty, or law in conflict herewith.

Agreement binding.

21. This agreement shall be binding upon the United States and the Creek Nation, and upon all persons affected thereby when it shall have been ratified by Congress and the Creek National Council, and the fact of such ratification shall have been proclaimed as hereinafter provided.

Submission of agreement to Creek National council for ratification.

Proclamation.

22. The principal chief, as soon as practicable after the ratification of this agreement by Congress, shall call an extra session of the Creek Nation council and submit this agreement, as ratified by Congress, to such council for its consideration, and if the agreement be ratified by the National council, as provided in the constitution of the tribe, the principal chief shall transmit to the President of the United States a certified copy of the act of the council ratifying the agreement, and thereupon the President shall issue his proclamation making public announcement of such ratification, thenceforward all the provisions of this agreement shall have the force and effect of law.

Approved, June 30, 1902.

July 1, 1902.
32 Stat., 636.

CHAP. 1361.—An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes.

Kansa Indians, Oklahoma.
Ratification, etc., of agreement submitted by.
Preamble.

Whereas the Kansas or Kaw tribe of Indians of Oklahoma Territory has submitted the following proposed agreement to Congress, with the request that the same be accepted, ratified, and confirmed, to wit:

Agreement.
See note to 1876, ch. 165, ante, p. 161.

AGREEMENT OF THE KANSAS OR KAW INDIANS OF OKLAHOMA TERRITORY AMONG THEMSELVES RELATIVE TO THEIR TRIBAL LANDS AND FUNDS, AND MEMORIAL TO CONGRESS.

Indian representatives.

This agreement and memorial of the Kansas or Kaw Indians, entered into on behalf of said Indians by Wah-shun-gah, Wah-moh-o-e-ke, Forrest Chouteau, Mitchel Fronkier, William Hardy, Akan Pappan, and Gen. W. E. Hardy, duly authorized to represent said tribe by a vote of a majority of the adult members thereof, at a general council held for the purpose of selecting representatives to enter into this agreement and memorial, witnesseth:

Agreement.
Roll of the tribe.

SECTION 1. The roll of the Kansas or Kaw tribe of Indians, as shown by the records of the United States in the office of the United States Indian agent at the Osage Indian Agency, Oklahoma Territory, now in charge of said tribe, as it existed on the first day of December, 1901, and all descendants born between December first, 1901, and December first, 1902, to persons whose names were on said roll on December first, 1901, is hereby declared to be the roll of said tribe, and to constitute the legal membership of said tribe, and the lands and money of said tribe shall be divided among the members of said tribe, as shown by the roll made up, as directed herein, and the lands and moneys of said tribe shall be divided among said members as hereinafter provided.

Division of tribal lands.

SEC. 2. All lands belonging to said Kansas or Kaw tribe of Indians located in the Territory of Oklahoma, except as herein provided, shall be divided among the members of said tribe, giving to each his or her fair share thereof, in acres, as follows:

Allotments nontaxable and inalienable.

First. There shall be set aside to each member of said tribe, as shown by the roll of membership December first, 1901, and their descendants born between that date and December first, 1902, one hundred and sixty (160) acres of land for an homestead, which shall be nontaxable and inalienable for the period of twenty-five years from the first day of January, 1903, except as hereinafter provided. Where the members of said tribe have already selected their homesteads of one hundred and sixty acres, the same are hereby confirmed, and the members who have not selected their homesteads shall do so within thirty days after the ratification of this agreement; and if any member fails to make such selection within said time, then it shall be the duty of the United States Indian agent in charge of said tribe to make the selection for such member or members: *Provided*, That selections of homesteads for minors shall be made by his or her parents, and the selections of homesteads for others than minors, who are unable for any reason to make their selections, shall be made by the United States Indian agent in charge of said tribes: *Provided further*, That in case there are any children born to members of said tribe between the ratification of this agreement and the first day of December, 1902, selection shall be made for them within thirty days after their birth, and all selections must be made on or before January first, 1903.

Period.

Selection of homesteads.

Provisos.
Minors, etc.

Children born after ratification.

Second. After each member has selected his or her homestead the remaining lands in Oklahoma Territory belonging to said tribe, except as herein provided, shall be divided equally, in acres, among said members, giving to each, as nearly as practicable, the same number of acres of farming and grazing lands, and the share of each member shall be given to him or her as near as possible to his or her homestead selections. The lands, other than the homestead, set aside to each member shall be free from taxation as long as the title remains in said member, but in no event to exceed twenty-five years, and the same shall not be sold or encumbered in any way before the expiration of ten years from the date of the deed to said member, except as herein provided and with the approval of the Secretary of the Interior, and it shall be his duty to carefully investigate each sale or transaction before he approves the same: *Provided*, That the lands of minors shall be inalienable during their minority: *Provided further*, That all selections and allotments made under this agreement shall conform to existing surveys of said reservation in tracts of not less than eighty (80) acres.

Allotment of remaining lands.

Provisos.
Lands of minors.

Existing surveys.

SEC. 3. It shall be the duty of the United States Indian agent, the clerk in charge of the Kaw subagency, together with a committee of three members of the tribe, to be selected jointly by the agent, clerk in charge, and the council of the tribe, to divide the surplus lands among the members of the tribe, in accordance with this agreement.

Division of surplus lands.

SEC. 4. In selecting his or her homestead, a member shall not be permitted to select lands already selected by another member of said tribe, unless such other member is in possession of more lands than he and his family are entitled to under this agreement; in such case, the member in possession shall have the right to make the first selection.

Prior selections.

SEC. 5. The Secretary of the Interior shall furnish the head chief of said tribe deeds, properly filled out, for the conveyances herein provided for, and said head chief shall thereupon, and in the presence of the agent in charge of said tribe, proceed to execute said deeds, and when the same are executed they shall be delivered to the United States Indian agent in charge of said tribe, and it shall be his duty to see that said deeds are properly delivered to the members entitled to the same: *Provided*, That a separate deed shall be given to each member for the lands conveyed as a homestead: *Provided further*, That if, for any cause, any member of said tribe is unable to receive his or her deed, then it shall be the duty of such United States Indian agent to see that such deed is properly recorded with the register of deeds for the county in Oklahoma Territory to which the Kansas Reservation is attached.

Deeds.

Provisos.
Separate deeds.
Recording deeds.

SEC. 6. All deeds shall be approved by the Secretary of the Interior, which approval, and the signing of the same by the head chief, shall

Secretary of Interior to approve deeds.

operate as a relinquishment to the individual member of all the right, title, and interest of the United States and of the Kansas or Kaw tribe of Indians (as a tribe) in and to the lands embraced in his or her deed. All disputes between the members of said tribe as to the right of possession in the selection of homesteads shall be adjudicated and settled by the United States Indian agent in charge of said tribe, subject to the approval of the Commissioner of Indian Affairs.

School lands.
Cemetery.
Town site.
Sale of lots.
Provisos.
Rejection of bids.
Purchase of improved lots.
Tax exemption.

SEC. 7. There shall be set aside and reserved from selection or allotment one hundred and sixty (160) acres of land, including the school and agency buildings, to conform to the public survey, which said one hundred and sixty (160) acres of land said tribe cedes to the United States, including the improvements; and the United States agrees to maintain a school for the education of children of Indian blood at said place for the period of ten (10) years, and as much longer as it deems necessary, the land and improvements to be subject to final disposition by Congress. Said land shall be exempt from taxation. There shall be reserved from allotment twenty (20) acres of land, including the present cemetery, to be used as a cemetery, and the same shall be exempt from taxation. There shall be reserved from allotment eighty (80) acres, including the dwellings now used by agency trader, and other buildings at said agency not used by the employees of the Government, which said eighty (80) acres shall be set aside as a town site, which shall be surveyed and laid off into town lots. The lots in said town site are to be sold at public auction to the highest bidder, under such rules and regulations as may be prescribed by the Secretary of the Interior, and the proceeds of said sale, after deducting the cost of the survey and sale, shall be placed in the Treasury to the credit of said Indians: *Provided*, That the Secretary of the Interior may reject any and all bids for such town lots: *Provided further*, That if any member of said tribe is in possession of any town lot or lots, and has any building and other improvements thereon, he shall have the right to purchase one lot seventy-five (75) feet wide by one hundred and sixty (160) feet deep, including his or her improvements, at such price as the council of said tribe may fix on the lots, exclusive of improvements: *Provided*, That the lots unsold shall be exempt from taxation as long as the title remains in the tribe.

Pro rata division of tribal funds.
Vol. 2, p. 552.
[21 Stat., 70.]
Date of division.
Interest.
Provisos.
Minors.

SEC. 8. The funds of said tribe, including the one hundred and thirty-five thousand dollars ($135,000) due said tribe under the treaty of June 14, 1846 (see Ninth U. S. S., page 842); the Kansas school fund, amounting to twenty-seven thousand one hundred seventy-four dollars and forty-one cents ($27,174.41) (see 21st U. S. S., page 70), and the Kansas general fund, amounting to twenty-six thousand nine hundred seventy-eight dollars and eighty-nine cents ($26,978.89), derived from the sale of lands in Kansas and all other moneys now due, or that may be found to be due said Indians; all money that may be received from the sale of their lands in Kansas, the money received from the sale of town lots in Oklahoma Territory, as hereinbefore provided, and all money found to be due to said tribe on claims against the United States, shall be segregated and placed to the credit of the individual members of said Kansas or Kaw tribe of Indians on a basis of a pro rata division among the members of said tribe, as shown by the roll of membership of said tribe, as provided, on the first day of December, 1902, said credits to draw interest, as now authorized by law, at the rate of five (5) per centum per annum, and the interest that may accrue thereon shall be paid annually to the members entitled thereto, except in cases of minors, in which cases the interest shall be paid annually to the parent until the child for whom the interest is so paid arrives at the age of twenty-one (21) years: *Provided*, That if the Commissioner of Indian Affairs becomes satisfied that the interest and payment of any minor is being misused or squandered, he may withhold the payment of such interest. In case of minors whose parents have died the interest shall be paid to the legal guardian, as above provided: *Provided*, That the amount placed to the credit (together with the accrued interest) of each member of the tribe of the age of twenty-one (21) years may be paid to such member in ten (10) equal payments, one payment each year: *Provided further*, That if the Secretary of the Interior deems it advisable, he may pay to any member of said tribe, over the age of twenty-one years, the full amount of the principal and interest that may be credited to such member: *Provided further*, That the sum ascertained to be due said tribe shall be segregated as soon as possible after December 1, 1902: *Provided further*, That when the children whose shares have been placed to their credit shall arrive at the age of twenty-one (21) years, before the expiration of ten (10) years from the date of the ratification of this agreement, then the share due such member or members may be paid to them at the annual payments after they arrive at the age of (21) years in equal amounts, so that such share will be fully paid at the expiration of said ten years; and where such children arrive at the age of twenty-one (21) years at or after the expiration of said ten years, then the full amount due such member may be paid to them at the next annual payment after they arrive at the age of twenty-one (21) years: *Provided further*, That the Secretary of the Interior may withhold any of the payments provided for in this section if, in his judgment, it would be to the best interest of the member entitled to said payment to do so: *Provided further*, That the Secretary of the Interior shall offer at public sale all tracts or parcels of the Kansas trust and diminished reserve lands, within the State of Kansas, belonging to said Kansas or Kaw tribe of Indians, for which no application has been filed under the provisions of existing laws in relation thereto. Such lands shall be offered for sale by advertisement for not less than thirty (30) days, in two newspapers in the proper land district, one of which shall be published in Morris County, Kansas, and by posting in the local land office notice for the same period, and, upon the day named in such notice, such lands shall be sold for cash to the highest bidder at not less than the price fixed by law.

Payments.

Adults may be paid in full.

Segregation.

Children 21 years of age.

Payment of full amount.

Withholding payments.

Sale of tribal lands in Kansas.

Notice of sale.

SEC. 9. That all funds remaining to the credit of or found to be due from the United States to any member of said tribe, at his or her death, shall be paid to his or her heirs under the laws of the Territory or State in which such member resides at the date of his or her death.

Payment to heirs etc.

SEC. 10. The Secretary of the Interior may, in his discretion, at the request of any adult member of said tribe, issue a certificate to such member authorizing him to sell and convey any or all lands deeded him by reason of this agreement, and may pay such member at the next annual payment his or her pro rata share of the funds of said tribe, if, upon consideration and examination of the request, the said Secretary shall find said member to be fully competent and cabable of managing and caring for his or her individual affairs: *Provided*, That upon the issuance of said certificate, the lands of such member, both homestead and surplus, shall become subject to taxation, and such member shall have the right to manage and dispose of such property the same as any other citizen of the United States, and upon the issuance of said certificate and the payment of the funds due him or her such member shall be dropped from the rolls of said tribe.

Permission to sell, etc.

Proviso.
Taxation.

Dropped from the rolls.

SEC. 11. That the adult heirs of any deceased Kansas or Kaw Indian, whose selection has been made or to whom a deed has been issued for his or her share of the lands of said tribe in Oklahoma Territory, may sell and convey the lands inherited from such decedent; and, if there be both adult and minor heirs of such inherited lands, then such minors may join in a sale thereof by a guardian duly appointed by the proper court of the county in which said minor or minors may reside, upon

Adult heirs.

an order of such court made upon petition filed by such guardian; all conveyances made under this provision to be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe.

Commission to adjust claims against the United States.

Determination by United States Court of Claims.

Evidence.

SEC. 12. All claims, of whatever nature, which said Kansas or Kaw tribe of Indians may have or claim to have against the United States shall be submitted to a commission to be appointed by the Secretary of the Interior from the officers or employees of his Department for investigation, consideration, and settlement; and the United States shall, without delay, render to said tribe of Indians a complete accounting of all moneys agreed to be paid to said tribe to which said tribe may be entitled under any treaty or Act of Congress. If the settlement of the claims of said tribe, submitted to said commission (and the accounting) is satisfactory to said tribe, the amount found due shall be placed to the credit of the members of said tribe, according to the terms of this agreement, within one year after the report of said commission is made. But if the settlement of the claims of said tribe or the accounting is not satisfactory to said tribe, or if they are satisfactory and Congress fails to appropriate the money to pay the same within one year after the report of said commission and the accounting, then the said tribe of Indians shall have two years from the date of the report and accounting in which to enter a suit in the Court of Claims, with the right of appeal to the Supreme Court of the United States, by either party, for the amount due or claimed to be due said tribe from the United States under any treaties or laws of Congress, or for the misappropriation of any of the funds of said tribe or the failure of the United States to pay the money due the tribe. And jurisdiction is hereby conferred upon said United States Court of Claims to hear and determine all claims of said tribe against the United States and to enter judgment thereon. If the question is submitted to said court, it shall settle all the rights, both legal and equitable, of both the said Kansas or Kaw tribe of Indians and of the United States. The claims submitted to the commission may be submitted by one or more petitions, to be filed by said tribe with said commission. If an action is brought in the Court of Claims, it shall be presented by a single petition, making the United States party defendant, and shall set forth all the facts on which the said Kansas or Kaw tribe of Indians bases its claim or claims against the United States, and the said petition may be verified by the agent or attorney of said tribe, upon information or belief as to the existence of such facts, and no other statements or verification shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence.

Ratification, etc., requested.

Proviso. Amendments.

SEC. 13. The said Kansas or Kaw Indians hereby memorialize Congress to ratify and confirm this agreement and to make provision for carrying it into effect: *Provided*, That if any material amendments are made in this agreement by Congress the same shall not become effective until such amendments are approved by a majority of the adult members of the Kansas or Kaw tribe of Indians.

Ratification. Amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed with the following amendments: Strike out section thirteen and change section fourteen so as to read section thirteen.

Approved, July 1, 1902.

CHAP. 1362.—An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

July 1, 1902.
[32 Stat., 641.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following agreement, made by the Commission to the Five Civilized Tribes with the commissions representing the Choctaw and Chickasaw tribes of Indians on the twenty-first day of March, nineteen hundred and two, be, and the same is hereby, ratified and confirmed, to wit:

Commission to the Five Civilized Tribes.
Ratification of agreement with the Choctaw and Chickasaw Indians.
See 1898, ch. 517, ante, p. 656, and note.

AGREEMENT BETWEEN THE UNITED STATES AND THE CHOCTAWS AND CHICKASAWS.

This agreement, by and between the United States, entered into in its behalf by Henry L. Dawes, Tams Bixby, Thomas B. Needles, and Clifton R. Breckinridge, commissioners duly appointed and authorized thereunto, and the Choctaw and Chickasaw tribes of Indians in Indian Territory, respectively, entered into in behalf of such Choctaw and Chickasaw tribes, by Gilbert W. Dukes, Green McCurtain, Thomas E. Sanguin, and Simon E. Lewis in behalf of the Choctaw tribe of Indians; and Douglas H. Johnston, Calvin J. Grant, Holmes Willis, Edward B. Johnson, and Benjamin H. Colbert in behalf of the Chickasaw tribe of Indians, commissioners duly appointed and authorized thereunto—

Commissioners.

Witnesseth that, in consideration of the mutual undertakings herein contained, it is agreed as follows:

DEFINITIONS.

Definitions.

1. Wherever used in this agreement the words "nations" and "tribes" shall each be held to mean the Choctaw and Chickasaw nations or tribes of Indians in Indian Territory.

2. The words "chief executives" shall be held to mean the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation.

3. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen.

4. The term "Atoka agreement" shall be held to mean the agreement made by the Commission to the Five Civilized Tribes with the commissioners representing the Choctaw and Chickasaw tribes of Indians at Atoka, Indian Territory, and embodied in the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight. (30 Stats., 495.)

Ante, p. 646.

5. The word "minor" shall be held to mean males under the age of twenty-one years and females under the age of eighteen years.

6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Commission to the Five Civilized Tribes for the Choctaw and Chickasaw nations, for particular tracts of land.

7. Every word in this agreement importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

8. The terms "allottable lands" or "lands allottable" shall be deemed to mean all the lands of the Choctaw and Chickasaw tribes not herein reserved from allotment.

APPRAISEMENT OF LANDS.

Appraisement of lands.

9. All lands belonging to the Choctaw and Chickasaw tribes in the Indian Territory, except such as are herein reserved from allotment,

Proviso. Mineral, timber lands, etc.

shall be appraised at their true value: *Provided*, That in determining such value consideration shall not be given to the location thereof, to any mineral deposits, or to any timber except such pine timber as may have been heretofore estimated by the Commission to the Five Civilized Tribes, and without reference to improvements which may be located thereon.

10. The appraisement as herein provided shall be made by the Commission to the Five Civilized Tribes, and the Choctaw and Chickasaw tribes shall each have a representative to be appointed by the respective executives to cooperate with the said Commission.

ALLOTMENT OF LANDS.

Allotment of lands.

11. There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allottable land of the Choctaw and Chickasaw nations, and to each Choctaw and Chickasaw freedman, as soon as practicable after the approval by the Secretary of the Interior of his enrollment, land equal in value to forty acres of the average allottable land of the Choctaw and Chickasaw nations; to conform, as nearly as may be, to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements. For the purpose of making allotments and designating homesteads hereunder, the forty-acre or quarter-quarter subdivisions established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision ten acres, or a quarter of a quarter of a quarter of a section.

Homesteads inalienable, etc.

12. Each member of said tribes shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to one hundred and sixty acres of the average allottable land of the Choctaw and Chickasaw nations, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment, and separate certificate and patent shall issue for said homestead.

Allotments to freedmen.

13. The allotment of each Choctaw and Chickasaw freedman shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment.

Sale of remaining lands at public auction.

14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

Incumbrances

15. Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this Act, nor shall said lands be sold except as herein provided.

Alienable lands.

16. All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after issuance of patent as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from date of patent: *Provided*, That such land shall not be alienable by the allottee or his heirs at any time before the expiration of the Choctaw and Chickasaw tribal governments for less than its appraised value.

Proviso. Appraised value.

Selection by Commission.

17. If, for any reason, an allotment should not be selected or a homestead designated by, or on behalf of, any member or freedman, it shall be the duty of said Commission to make said selection and designation.

Division of lands.

18. In the making of allotments and in the designation of homesteads for members of said tribes, under the provisions of this agreement, said Commission shall not be required to divide lands into tracts of less than the smallest legal subdivision provided for in paragraph eleven hereof.

Limited holdings.
By Indians.

19. It shall be unlawful after ninety days after the date of the final ratification of this agreement for any member of the Choctaw or Chickasaw tribes to enclose or hold possession of in any manner, by himself or through another, directly or indirectly, more lands in value than that of three hundred and twenty acres of average allottable lands of the Choctaw and Chickasaw nations, as provided by the terms of this agreement, either for himself or for his wife, or for each of his minor children if members of said tribes; and any member of said tribes found in such possession of lands, or having the same in any manner enclosed after the expiration of ninety days after the date of the final ratification of this agreement, shall be deemed guilty of a misdemeanor.

By freedmen.

20. It shall be unlawful after ninety days after the date of the final ratification of this agreement for any Choctaw or Chickasaw freedman to enclose or hold possession of in any manner, by himself or through another, directly or indirectly, more than so much land as shall be equal in value to forty acres of the average allottable lands of the Choctaw and Chickasaw tribes as provided by the terms of this agreement, either for himself or for his wife, or for each of his minor children, if they be Choctaw or Chickasaw freedmen; and any freedman found in such possession of lands, or having the same in any manner enclosed after the expiration of ninety days after the date of the final ratification of this agreement, shall be deemed guilty of a misdemeanor.

Penalty for violations.

21. Any person convicted of violating any of the provisions of sections 19 and 20 of this agreement shall be punished by a fine not less than one hundred dollars, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every two dollars of such fine and costs) and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist, shall be deemed a separate offense. And the United States district attorneys for the districts in which said nations are situated, are required to see that the provisions of said sections are strictly enforced, and they shall immediately after the expiration of ninety days after the date of the final ratification of this agreement proceed to dispossess all persons of such excessive holdings of lands, and to prosecute them for so unlawfully holding the same. And the Commission to the Five Civilized Tribes shall have authority to make investigation of all violations of sections 19 and 20 of this agreement, and make report thereon to the United States district attorneys.

Heirs.

22. If any person whose name appears upon the rolls, prepared as herein provided, shall have died subsequent to the ratification of this agreement and before receiving his allotment of land the lands to which such person would have been entitled if living shall be allotted in his name, and shall, together with his proportionate share of other tribal property, descend to his heirs according to the laws of descent and distribution as provided in chapter forty-nine of Mansfield's Digest of the Statutes of Arkansas: *Provided*, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and

Proviso.
Selection of allotment.

practicable time, the Commission to the Five Civilized Tribes shall designate the lands thus to be allotted.

Allotment certificates.

23. Allotment certificates issued by the Commission to the Five Civilized Tribes shall be conclusive evidence of the right of any allottee to the tract of land described therein; and the United States Indian agent at the Union Agency shall, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to such allottee and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

Jurisdiction of Commission.

24. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes to determine, under the direction of the Secretary of the Interior, all matters relating to the allotment of land.

EXCESSIVE HOLDINGS.

Excessive holdings.

25. After the opening of a land office for allotment purposes in both the Choctaw and the Chickasaw nations any citizen or freedman of either of said nations may appear before the Commission to the Five Civilized Tribes at the land office in the nation in which his land is located and make application for his allotment and for allotments for members of his family and for other persons for whom he is lawfully authorized to apply for allotments, including homesteads, and after the expiration of ninety days following the opening of such land offices any such applicant may make allegation that the land or any part of the land that he desires to have allotted is held by another citizen or person in excess of the amount of land to which said citizen or person is lawfully entitled, and that he desires to have said land allotted to him or members of his family as herein provided; and

Notice.

thereupon said Commission shall serve notice upon the person so alleged to be holding land in excess of the lawful amount to which he may be entitled, said notice to set forth the facts alleged and the name and post-office address of the person alleging the same, and the rights and consequences herein provided, and the person so alleged to be holding land contrary to law shall be allowed thirty days from the date of the service of said notice in which to appear at one of said land offices and to select his allotment and the allotments he may be lawfully authorized to select, including homesteads; and if at the end of the thirty days last provided for the person upon whom said notice has been served has not selected his allotment and allotments as provided, then the Commission to the Five Civilized Tribes shall immediately make or reserve said allotments for the person or persons who have failed to act in accordance with the notice aforesaid, having due regard for the best interest of said allottees; and after such allotments have been made or reserved by said Commission, then all other lands held or claimed, or previously held or claimed by said person or persons, shall be deemed a part of the public domain of the Choctaw and Chickasaw nations and be subject to disposition as such:

Proviso.
Prior right of allotment.

Provided, That any persons who have previously applied for any part of said lands shall have a prior right of allotment of the same in the order of their applications and as their lawful rights may appear.

Commission authorized to select allotments.

If any citizen or freedman of the Choctaw and Chickasaw nations shall not have selected his allotment within twelve months after the date of the opening of said land offices in said nations, if not herein otherwise provided, and provided that twelve months shall have elapsed from the date of the approval of his enrollment by the Secretary of the Interior, then the Commission to the Five Civilized Tribes may immediately proceed to select an allotment, including a homestead for such person, said allotment and homestead to be selected as the Commission may deem for the best interest of said person, and the same shall be of the same force and effect as if such selection had been made by such citizen or freedman in person, and all lands held or claimed by persons for whom allotments have been selected by the Commission as provided, and in excess of the amount included in said allotments, shall be a part of the public domain of the Choctaw and Chickasaw nations and be subject to disposition as such.

RESERVATIONS.

Reservations.

26. The following lands shall be reserved from the allotment of lands herein provided for:

Town sites.
Ante, p. 646.

(a) All lands set apart for town sites either by the terms of the Atoka agreement, the Act of Congress of May 31, 1900, (31 Stats., 221), as herein assented to, or by the terms of this agreement.

(b) All lands to which, at the date of the final ratification of this agreement, any railroad company may under any treaty or Act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses connected with the maintenance and operation of the railroad.

(c) The strip of land lying between the city of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, extending up the said Poteau River to the mouth of Mill Creek.

Coal and asphalt deposits.

(d) All lands which shall be segregated and reserved by the Secretary of the Interior on account of their coal or asphalt deposits, as hereinafter provided. And the lands selected by the Secretary of the Interior at and in the vicinity of Sulphur in the Chickasaw Nation, under the cession to the United States hereunder made by said tribes.

(e) One hundred and sixty acres for Jones' Academy.

(f) One hundred and sixty acres for Tuskahoma Female Seminary.

(g) One hundred and sixty acres for Wheelock Orphan Seminary.

(h) One hundred and sixty acres for Armstrong Orphan Academy.

(i) Five acres for capitol building of the Choctaw Nation.

(j) One hundred and sixty acres for Bloomfield Academy.

(k) One hundred and sixty acres for Lebanon Orphan Home.

(l) One hundred and sixty acres for Harley Institute.

(m) One hundred and sixty acres for Rock Academy.

(n) One hundred and sixty acres for Collins Institute.

(o) Five acres for the capitol building of the Chickasaw Nation.

(p) Eighty acres for J. S. Murrow.

(q) Eighty acres for H. R. Schermerhorn.

(r) Eighty acres for the widow of R. S. Bell.

(s) A reasonable amount of land, to be determined by the town-site commissioners, to include all tribal court-houses and jails and other tribal public buildings.

(t) Five acres for any cemetery located by the town-site commissioners prior to the date of the final ratification of this agreement.

(u) One acre for any church under the control of and used exclusively by the Choctaw or Chickasaw citizens at the date of the final ratification of this agreement.

(v) One acre each for all Choctaw or Chickasaw schools under the supervision of the authorities of the Choctaw or Chickasaw nations and officials of the United States.

And the acre so reserved for any church or school in any quarter section of land shall be located when practicable in a corner of such quarter section lying adjacent to the section line thereof.

ROLLS OF CITIZENSHIP.

Rolls of citizenship.

Ante, p. 646.
Ante, p. 106.

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stats., 495), and the act of Congress approved May

Proviso.
Contested rights.
Ante, p. 81

31, 1900 (31 Stats., 221), except as herein otherwise provided: *Provided*, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

Persons entitled.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

Citizens, etc., of other tribes excluded.

29. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw nations.

Lists.

30. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedman, the said Commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final rolls of citizens of the Choctaw and Chickasaw tribes and of Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

Admission to citizenship without notice of proceedings.
Ante, p. 81.

Bill in equity to annul, etc., court decisions.

Proceedings in citizen court.

SEC. 31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory, acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within 90 days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated, shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be transferred and certified to said citizenship court by the court having custody and control of such files, papers and proceedings, and, upon the filing in such citizenship court of the files, papers and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

Notice.

32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, wherever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship court shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken, within the time hereinbefore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: *Provided*, That paragraphs thirty-one, thirty-two and thirty-three hereof shall go into effect immediately after the passage of this Act by Congress.

Jurisdiction.

Appeal.

Proviso.
Effect.

Choctaw and Chickasaw citizenship court created.

38. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in no event later than the thirty-first day of December, nineteen hundred and three. Said court shall have all authority and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transaction of its business. It shall also have all the powers of a Circuit Court of the United States in compelling the production of books, papers and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice and proceedings in said court shall conform, as near as may be, to the pleadings, practice and proceedings in equity causes in the Circuit Courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation or recess, interlocutory, orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation of five thousand dollars per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, two thousand four hundred dollars; stenographer, twelve hundred dollars; bailiff, nine hundred dollars. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also hereby appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions, beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpœnaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of said court. The clerk of the United States court in Indian Territory, having custody and control of the files, papers, and proceedings in the original citizenship cases, shall receive a fee of two dollars and fifty cents for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations,

Powers, etc.

Pleadings, etc.

Judges, etc.

Compensation of clerk, etc.

Appropriation.

Oaths.

Writs.

Fees.

Judgment of court to be final.

Expenses.

and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

Applications for enrollment.

34. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days: *Provided*, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

Proviso.
Mississippi Choctaw.

Distribution of common property.

35. No person whose name does not appear upon the rolls prepared as herein provided shall be entitled to in any manner participate in the distribution of the common property of the Choctaw and Chickasaw tribes, and those whose names appear thereon shall participate in the manner set forth in this agreement: *Provided*, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person whose name is on the said rolls, and who died prior to the date of the final ratification of this agreement. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before the date of the final ratification of this agreement, and any person or persons who may conceal the death of anyone on said rolls as aforesaid, for the purpose of profiting by the said concealment, and who shall knowingly receive any portion of any land or other tribal property, or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony, and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto, a forfeiture to the Choctaw and Chickasaw nations of the lands, other tribal property, and proceeds so obtained.

Proviso.
Extinguishment of rights.

Felony

CHICKASAW FREEDMEN.

Chickasaw freedmen.

Court of Claims to determine rights of, etc.

36. Authority is hereby conferred upon the Court of Claims to determine the existing controversy respecting the relations of the Chickasaw freedmen to the Chickasaw Nation and the rights of such freedmen in the lands of the Choctaw and Chickasaw nations under the third article of the treaty of eighteen hundred and sixty-six, between the United States and the Choctaw and Chickasaw nations, and under any and all laws subsequently enacted by the Chickasaw legislature or by Congress.

Vol. 2, p. 919.

Bill of interpleader.

37. To that end the Attorney-General of the United States is hereby directed, on behalf of the United States, to file in said Court of Claims, within sixty days after this agreement becomes effective, a bill of interpleader against the Choctaw and Chickasaw nations and the Chickasaw freedmen, setting forth the existing controversy between the Chickasaw Nation and the Chickasaw freedmen and praying that the defendants thereto be required to interplead and settle their respective rights in such suit.

Serving of process.

Publication of notice.

38. Service of process in the suit may be had on the Choctaw and Chickasaw nations, respectively, by serving upon the principal chief of the former and the governor of the latter a certified copy of the bill, with a notice of the time for answering the same, which shall not be less than thirty nor more than sixty days after such service, and may be had upon the Chickasaw freedmen by serving upon each of three known and recognized Chickasaw freedmen a certified copy of the bill, with a like notice of the time for answering the same, and by publishing a notice of the commencement of the suit, setting forth the nature and prayer of the bill, with the time for answering the same, for a period of three weeks in at least two weekly newspapers having general circulation in the Chickasaw Nation.

Employment of counsel.
R. S., secs. 2103-2106.

Compensation.

Appeal.

39. The Choctaw and Chickasaw nations, respectively, may in the manner prescribed in sections twenty-one hundred and three to twenty-one hundred and six, both inclusive, of the Revised Statutes, employ counsel to represent them in such suit and protect their interests therein; and the Secretary of the Interior shall employ competent counsel to represent the Chickasaw freedmen in said suit and to protect their interests therein; and the compensation of counsel so employed for the Chickasaw freedmen, including all costs of printing their briefs and other incidental expenses on their part, not exceeding six thousand dollars, shall be paid out of the Treasury of the United States upon certificate of the Secretary of the Interior setting forth the employment and the terms thereof, and stating that the required services have been duly rendered; and any party feeling aggrieved at the decree of the Court of Claims, or any part thereof, may, within sixty days after the rendition thereof, appeal to the Supreme Court, and in each of said courts the suit shall be advanced for hearing and decision at the earliest practicable time.

Final allotments to Chickasaw freedmen, etc.
Ante.

Proviso.
Existing rights not affected.

40. In the meantime the Commission to the Five Civilized Tribes shall make a roll of the Chickasaw freedmen and their descendants, as provided in the Atoka agreement, and shall make allotments to them as provided in this agreement, which said allotments shall be held by the said Chickasaw freedmen, not as temporary allotments, but as final allotments, and in the event that it shall be finally determined in said suit that the Chickasaw freedmen are not, independently of this agreement, entitled to allotments in the Choctaw and Chickasaw lands, the Court of Claims shall render a decree in favor of the Choctaw and Chickasaw nations according to their respective interests, and against the United States, for the value of the lands so allotted to the Chickasaw freedmen as ascertained by the appraisal thereof made by the Commission to the Five Civilized Tribes for the purpose of allotment, which decree shall take the place of the said lands and shall be in full satisfaction of all claims by the Choctaw and Chickasaw nations against the United States or the said freedmen on account of the taking of the said lands for allotment to said freedmen: *Provided*, That nothing contained in this paragraph shall be construed to affect or change the existing status or rights of the two tribes as between themselves respecting the lands taken for allotment to freedmen, or the money, if any, recovered as compensation therefor, as aforesaid.

Mississippi Choctaw.

MISSISSIPPI CHOCTAWS.

Citizenship and allotments.
Ante, p. 98.
Vol. 2, p. 325.

41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may,

at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bone fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll.

Applications for identification.

Vol. 2, p. 325.

Patents granted after residence of three years.

42. When any such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw nations.

Ante, p. 646.

Applications for enrollment, etc.

43. Applications for enrollment as Mississippi Choctaws, and applications to have land set apart to them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children; and if the father be dead, the mother may apply; husbands may apply for wives. Applications for orphans, insane persons, and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission.

Heirs, etc.

44. If within four years after such enrollment any such Mississippi Choctaw, or his heirs or representatives if he be dead, fails to make proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he, and his heirs and representatives if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for cash, under rules and regulations prescribed by the Secretary of the Interior, and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser.

Town sites.

TOWN SITES.

Assent of tribes.
Ante p. 106.

45. The Choctaw and Chickasaw tribes hereby assent to the act of Congress approved May 31, 1900 (31 Stats., 221), in so far as it perins to town sites in the Choctaw and Chickasaw nations, ratifying and confirming all acts of the Government of the United States thereunder, and consent to a continuance of the provisions of said act not in conflict with the terms of this agreement.

Additional acreage.
Ante p. 106.

46. As to those town sites heretofore set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, as provided in said act of Congress of May 31, 1900, such additional acreage may be added thereto, in like manner as the original town site was set apart, as may be necessary for the present needs and reasonable prospective growth of said town sites, the total acreage not to exceed six hundred and forty acres for each town site.

Limit.
Ante p. 106.

47. The lands which may hereafter be set aside and reserved for town sites upon the recommendation of the Commission to the Five Civilized Tribes, under the provisions of said act of May 31, 1900, shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, not to exceed six hundred and forty acres for each town site.

Compensation for improvements.
Ante p 106.

Board of appraisers.

48. Whenever any tract of land shall be set aside for town-site purposes, as provided in said act of May 31, 1900, or by the terms of this agreement, which is occupied by any member of the Choctaw or Chickasaw nations, such occupant shall be fully compensated for his improvements thereon, out of the funds of the tribes arising from the sale of town sites, under rules and regulations to be prescribed by the Secretary of the Interior, the value of such improvements to be determined by a board of appraisers, one member of which shall be appointed by the Secretary of the Interior, one by the chief executive of the tribe in which the town site is located, and one by the occupant of the land, said board of appraisers to be paid such compensation for their services as may be determined by the Secretary of the Interior out of any appropriation for surveying, laying out, platting, and selling town sites.

Vacancies.

49. Whenever the chief executive of the Choctaw or Chickasaw Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive of the Choctaw or Chickasaw Nation to qualify or act, or otherwise, the Secretary of the Interior, in his discretion, may appoint a commissioner to fill the vacancy thus created.

Additional town-site commissions.
Ante p. 650.

Proviso.
Jurisdiction.

50. There shall be appointed, in the manner provided in the Atoka agreement, such additional town-site commissions as the Secretary of the Interior may deem necessary, for the speedy disposal of all town sites in said nations: *Provided*, That the jurisdiction of said additional town-site commissions shall extend to such town sites only as shall be designated by the Secretary of the Interior.

Conveyance of patent.

51. Upon the payment of the full amount of the purchase price of any lot in any town site in the Choctaw and Chickasaw nations, appraised and sold as herein provided, or sold as herein provided, the chief executives of said nations shall jointly execute, under their hands and the seals of the respective nations and deliver to the purchaser of the said lot, a patent conveying to him all right, title, and interest of the Choctaw and Chickasaw tribes in and to said lot.

Contents, etc., of patents.

52. All town lots in any one town site to be conveyed to one person shall, as far as practicable, be included in one patent, and all patents shall be executed free of charge to the grantee.

Towns of less than 200 inhabitants.

53. Such towns in the Choctaw and Chickasaw nations as may have a population of less than two hundred people, not otherwise provided

for, and which in the judgment of the Secretary of the Interior should be set aside as town sites, shall have their limits defined not later than ninety days after the final ratification of this agreement, in the same manner as herein provided for other town sites; but in no such case shall more than forty acres of land be set aside for any such town site.

Surveys, etc.

Ante, p. 106.

54. All town sites heretofore set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved May 31, 1900 (31 Stat., 221), with the additional acreage added thereto, and all town sites which may hereafter be set aside, as well as all town sites set aside under the provisions of this agreement having a population of less than two hundred, shall be surveyed, laid out, platted, appraised, and disposed of in a like manner, and with like preference rights accorded to owners of improvements as other town sites in the Choctaw and Chickasaw nations are surveyed, laid out, platted, appraised, and disposed of under the Atoka agreement, as modified or supplemented by the said act of May 31, 1900: *Provided*, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw nations upon which no improvements have been made prior to the passage of this Act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement.

Proviso.
Appraised value to be paid.

MUNICIPAL CORPORATIONS.

Municipal corporations.

Bonds for improvements.

55. Authority is hereby conferred upon municipal corporations in the Choctaw and Chickasaw nations, with the approval of the Secretary of the Interior, to issue bonds and borrow money thereon for sanitary purposes and for the construction of sewers, lighting plants, waterworks, and schoolhouses, subject to all the provisions of laws of the United States in force in the organized Territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in said nations and made applicable to the cities and towns therein the same as if specially enacted in reference thereto; and said municipal corporations are hereby authorized to vacate streets and alleys, or parts thereof, and said streets and alleys, when so vacated, shall become the property of the adjacent property holders.

COAL AND ASPHALT.

Coal and asphalt lands.

Ante, pp. 650, 659.
Ante, p. 106.

56. At the expiration of two years after the final ratification of this agreement all deposits of coal and asphalt which are in lands within the limits of any town site established under the Atoka agreement, or the act of Congress of May 31, 1900, or this agreement, and which are within the exterior limits of any lands reserved from allotment on account of their coal or asphalt deposits, as herein provided, and which are not at the time of the final ratification of this agreement embraced in any then existing coal or asphalt lease, shall be sold at public auction for cash under the direction of the President as hereinafter provided, and the proceeds thereof disposed of as herein provided respecting the proceeds of the sale of coal and asphalt lands.

Sale of coal and asphalt deposits.

57. All coal and asphalt deposits which are within the limits of any town site so established, which are at the date of the final ratification of this agreement covered by any existing lease, shall, at the expiration of two years after the final ratification of this agreement, be sold at public auction under the direction of the President as hereinafter provided, and the proceeds thereof disposed of as provided in the last preceding section. The coal or asphalt covered by each lease shall be separately sold. The purchaser shall take such coal or asphalt deposits subject to the existing lease, and shall by the purchase succeed to all

Existing leases.

the rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribe shall be retained by them.

To be reserved from allotment.

58. Within six months after the final ratification of this agreement the Secretary of the Interior shall ascertain, so far as may be practicable, what lands are principally valuable because of their deposits of coal or asphalt, including therein all lands which at the time of the final ratification of this agreement shall be covered by then existing coal or asphalt leases, and within that time he shall, by a written order, segregate and reserve from allotment all of said lands. Such segregation and reservation shall conform to the subdivisions of the Government survey as nearly as may be, and the total segregation and reservation shall not exceed five hundred thousand acres. No lands so reserved shall be allotted to any member or freedman, and the improvements of any member or freedman existing upon any of the lands so segregated and reserved at the time of their segregation and reservation shall be appraised under the direction of the Secretary of the Interior, and shall be paid for out of any common funds of the two tribes in the Treasury of the United States, upon the order of the Secretary of the Interior. All coal and asphalt deposits, as well as other minerals which may be found in any lands not so segregated and reserved, shall be deemed a part of the land and shall pass to the allottee or other person who may lawfully acquire title to such lands.

Sales at public auction.

Commission created to sell coal and asphalt deposits.

Compensation.

Bids.

Distribution of proceeds.

Separate sales.

Limitation.

59. All lands segregated and reserved under the last preceding section, excepting those embraced within the limits of a town site, established as hereinbefore provided, shall, within three years from the final ratification of this agreement and before the dissolution of the tribal governments, be sold at public auction for cash, under the direction of the President, by a commission composed of three persons, which shall be appointed by the President, one on the recommendation of the Principal Chief of the Choctaw Nation, who shall be a Choctaw by blood, and one on the recommendation of the Governor of the Chickasaw Nation, who shall be a Chickasaw by blood. Either of said commissioners may, at any time, be removed by the President for good cause shown. Each of said commissioners shall be paid at the rate of four thousand dollars per annum, the Choctaw commissioner to be paid by the Choctaw Nation, the Chickasaw commissioner to be paid by the Chickasaw Nation, and the third commissioner to be paid by the United States. In the sale of coal and asphalt lands and coal and asphalt deposits hereunder, the commission shall have the right to reject any or all bids which it considers below the value of any such lands or deposits. The proceeds arising from the sale of coal and asphalt lands and coal and asphalt deposits shall be deposited in the Treasury of the United States to the credit of said tribes and paid out per capita to the members of said tribes (freedmen excepted) with the other moneys belonging to said tribes in the manner provided by law. The lands embraced within any coal or asphalt lease shall be separately sold, subject to such lease, and the purchaser shall succeed to all the rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribes shall be retained by them. The lands so segregated and reserved, and not included within any existing coal or asphalt lease, shall be sold in tracts not exceeding in area a section under the Government survey.

Time of sale.

60. Upon the recommendation of the chief executive of each of the two tribes, and where in the judgment of the President it is advantageous to the tribes so to do, the sale of any coal or asphalt lands which are herein directed to be sold may be made at any time after the expiration of six months from the final ratification of this agreement, without awaiting the expiration of the period of two years, as hereinbefore provided.

Leases prohibited.

61. No lease of any coal or asphalt lands shall be made after the final ratification of this agreement, the provisions of the Atoka agreement to the contrary notwithstanding.

Specific reservations.

62. Where any lands so as aforesaid segregated and reserved on account of their coal or asphalt deposits are in this agreement specifically reserved from allotment for any other reason, the sale to be made hereunder shall be only of the coal and asphalt deposits contained therein, and in all other respects the other specified reservation of such lands herein provided for shall be fully respected.

Patents, etc.

63. The chief executives of the two tribes shall execute and deliver, with the approval of the Secretary of the Interior, to each purchaser of any coal or asphalt lands so sold, and to each purchaser of any coal or asphalt deposits so sold, an appropriate patent or instrument of conveyance, conveying to the purchaser the property so sold.

SULPHUR SPRINGS.

Sulphur Springs.

Cession of adjacent lands.

Limit of acreage.

Ante, p. 650.

Ante, p. 659.

Price to credit o tribes.

Improvements.

Use of water, etc.

Sale, etc., of intoxicants forbidden.

64. The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding six hundred and forty acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments. Such other lands as may be embraced in a town site at that point shall be disposed of in the manner provided in the Atoka agreement for the disposition of town sites. Within ninety days after the selection of the lands so ceded there shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, twenty dollars per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. All improvements upon the lands so selected which were lawfully there at the time of the ratification of this agreement by Congress shall be appraised, under the direction of the Secretary of the Interior, at the true value thereof at the time of the selection of said lands, and shall be paid for by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States. Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded, and said lands shall remain within the jurisdiction of the United States court

Proviso. Expenditures.

for the southern district of Indian Territory: *Provided, however,* That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made.

Miscellaneous.

MISCELLANEOUS.

Patents for minors, etc.

65. The acceptance of patents for minors, prisoners, convicts, and incompetents by persons authorized to select their allotments for them shall be sufficient to bind such minors, prisoners, convicts, and incompetents as to the conveyance of all other lands of the tribes.

Recording patents.

Ante, pp. 649, 656.

66. All patents to allotments of land, when executed, shall be recorded in the office of the Commission to the Five Civilized Tribes within said nations in books appropriate for the purpose, until such time as Congress shall make other suitable provision for record of land titles as provided in the Atoka agreement, without expense to the grantee; and such records shall have like effect as other public records.

No jurisdiction of United States court. Ante, p. 91.

67. The provisions of section three of the act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight (30 Stats., 495), shall not apply to or in any manner affect the lands or other property of the Choctaws and Chickasaws or Choctaw and Chickasaw freedmen.

Inconsistent laws.

68. No act of Congress or treaty provision, nor any provision of the Atoka agreement, inconsistent with this agreement, shall be in force in said Choctaw and Chickasaw nations.

Controversies.

69. All controversies arising between members as to their right to select particular tracts of land shall be determined by the Commission to the Five Civilized Tribes.

Selection of allotments for minors.

70. Allotments may be selected and homesteads designated for minors by the father or mother, if members, or by a guardian or curator, or the administrator having charge of their estate, in the order named; and for prisoners, convicts, aged and infirm persons by duly appointed agents under power of attorney; and for incompetents by guardians, curators, or other suitable person akin to them; but it shall be the duty of said Commission to see that said selections are made for the best interests of said parties.

Contests.

71. After the expiration of nine months after the date of the original selection of an allotment, by or for any citizen or freedmen of the Choctaw or Chickasaw tribes, as provided in this agreement, no contest shall be instituted against such selection.

Payments out of "arrears of interest."

[30 Stat., 513.]

Repeal.

72. There shall be paid to each citizen of the Chickasaw Nation, immediately after the approval of his enrollment and right to participate in distribution of tribal property, as herein provided, the sum of forty dollars. Such payment shall be made under the direction of the Secretary of the Interior, and out of the balance of the "arrears of interest" of five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents appropriated by the act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," yet due to the Chickasaws and remaining to their credit in the Treasury of the United States; and so much of such moneys as may be necessary for such payment are hereby appropriated and made available for that purpose, and the balance, if any there be, shall remain in the Treasury of the United States, and be distributed per capita with the other funds of the tribes. And all acts of Congress or other treaty provisions in conflict with this provision are hereby repealed.

Agreement binding after ratification.

73. This agreement shall be binding upon the United States and upon the Choctaw and Chickasaw nations and all Choctaws and Chickasaws, when ratified by Congress and by a majority of the whole number of votes cast by the legal voters of the Choctaw and Chickasaw tribes in the manner following: The principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall, within one hundred and twenty days after the ratification of this agreement by Congress, make public proclamation that the same shall be voted upon at any special election to be held for that purpose within thirty days thereafter, on a certain day therein named; and all male citizens of each of the said tribes qualified to vote under the tribal laws shall have a right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not. And if this agreement be ratified by said tribes as aforesaid, the date upon which said election is held shall be deemed to be the date of final ratification.

Special election.

Date of final ratification.

Proclamation.

74. The votes cast in both the Choctaw and Chickasaw nations shall be forthwith returned and duly certified by the precinct officers to the national secretaries of said tribes, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and the national secretary of the Choctaw Nation and the governor and national secretary of the Chickasaw Nation and two members of the Commission to the Five Civilized Tribes; and said board shall meet without delay at Atoka, Indian Territory, and canvass and count said votes, and make proclamation of the result.

In witness whereof the said commissioners do hereby affix their names at Washington, District of Columbia, this twenty-first day of March, 1902.

Approved, July 1, 1902.

July 1, 1902.
[S. 32 Stat., 716.]

CHAP. 1375.—An act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

Cherokee Nation.
Allotment of lands for the disposition of town sites.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITION OF WORDS EMPLOYED HEREIN.

Definitions.

See note a, ante, p. 131.

SECTION 1. The words "nation" and "tribe" shall each be held to refer to the Cherokee Nation or tribe of Indians in Indian Territory.

SEC. 2. The words "principal chief" or "chief executive" shall be held to mean the principal chief of said tribe.

SEC. 3. The words "Dawes Commission" or "Commission" shall be held to mean the United States Commission to the Five Civilized Tribes.

SEC. 4. The word "minor" shall be held to mean males under the age of twenty-one years and females under the age of eighteen years.

SEC. 5. The terms "allottable lands" or "lands allottable" shall be held to mean all the lands of the Cherokee tribe not herein reserved from allotment.

SEC. 6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Dawes Commission for the Cherokee Nation, for particular tracts of land.

SEC. 7. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Cherokee Nation, in the Indian Territory.

SEC. 8. Every word in this Act importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

Appraisement of lands.

APPRAISEMENT OF LANDS.

True value.

Proviso. Location, etc.

SEC. 9. The lands belonging to the Cherokee tribe of Indians in Indian Territory, except such as are herein reserved from allotment, shall be appraised at their true value: *Provided*, That in the determination of the value of such land consideration shall not be given to the location thereof, to any timber thereon, or to any mineral deposits contained therein, and shall be made without reference to improvements which may be located thereon.

Appraisements by Commission to the Five Civilized Tribes.

SEC. 10. The appraisement, as herein provided, shall be made by the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior.

ALLOTMENT OF LANDS.

Allotment to citizens.

SEC. 11. There shall be allotted by the Commission to the Five Civilized Tribes and to each citizen of the Cherokee tribe, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to one hundred and ten acres of the average allottable lands of the Cherokee Nation, to conform as nearly as may be to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements.

Subdivisions.

SEC. 12. For the purpose of making allotments and designating homesteads hereunder, the forty-acre, or quarter of a quarter section, subdivision established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision ten acres, or a quarter of a quarter of a quarter of a section.

Homesteads inalienable and nontaxable.

SEC. 13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to forty acres of the average allotable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

Debts, etc.

SEC. 14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this Act.

Alienation.

SEC. 15. All lands allotted to the members of said tribe, except such land as is set aside to each for a homestead as herein provided, shall be alienable in five years after issuance of patent.

Commission may select allotments.

SEC. 16. If for any reason an allotment should not be selected or a homestead designated by or on behalf of any member of the tribe, it shall be the duty of said Commission to make said selection and designation.

Minimum subdivision.

SEC. 17. In the making of allotments and in the designation of homesteads for members of said tribe, said Commission shall not be required to divide lands into tracts of less than the smallest legal subdivision provided for in section twelve hereof.

Limit of allotment acreage.

SEC. 18. It shall be unlawful after ninety days after the ratification of this Act by the Cherokees for any member of the Cherokee tribe to inclose or hold possession of, in any manner, by himself or through another, directly or indirectly, more lands in value than that of one hundred and ten acres of average allotable lands of the Cherokee Nation, either for himself or for his wife, or for each of his minor children, if members of said tribe; and any member of said tribe found in such possession of lands, or having the same in any manner inclosed, after the expiration of ninety days after the date of the ratification of this Act shall be deemed guilty of a misdemeanor.

Punishment for violation.

SEC. 19. Any person convicted of violating any of the provisions of section eighteen of this Act shall be punished by a fine of not less than one hundred dollars, shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every two dollars of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. The United States district attorney for the northern district is required to see that the provisions of said section eighteen are strictly enforced, and he shall immediately, after the expiration of the ninety days after the ratification of this Act, proceed to dispossess all persons of such excessive holdings of lands and to prosecute them for so unlawfully holding the same, and the Commission to the Five Civilized Tribes shall have authority to make investigations of all violations of section eighteen and make report thereon to the United States district attorney.

Prosecutions.

Allotment to heim.

SEC. 20. If any person whose name appears upon the roll prepared as herein provided shall have died subsequent to the first day of September, nineteen hundred and two, and before receiving his allotment, the lands to which such person would have been entitled if living shall be allotted in his name, and shall, with his proportionate share of other tribal property, descend to his heirs according to the laws of descent and distribution as provided in chapter forty-nine of Mansfield's Digest of the Statutes of Arkansas: *Provided*, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and proper time, the Dawes Commission shall designate the lands thus to be allotted.

Proviso.
Selection.

Allotment certificates.

SEC. 21. Allotment certificates issued by the Dawes Commission shall be conclusive evidence of the right of an allottee to the tract of land described therein, and the United States Indian agent for the Union Agency shall, under the direction of the Secretary of the Interior, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to him, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

Exclusive jurisdiction in appraisements, etc.

SEC. 22. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior, to determine all matters relative to the appraisement and the allotment of lands.

Delaware Indians.
Allotment of lands, etc., to.

SEC. 23. All Delaware Indians who are members of the Cherokee Nation shall take lands and share in the funds of the tribe, as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said Commission is ready to begin the allotment of lands of the tribe as herein provided, the Commission shall cause to be segregated one hundred and fifty-seven thousand six hundred acres of land, including lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April eighth, eighteen hundred and sixty-seven, such lands so to remain, subject to disposition according to such judgment as may be rendered in said cause; and said Commission shall thereupon proceed to the allotment of the remaining lands of the tribe as aforesaid. Said Commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder. Nothing in this Act shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April eighth, eighteen hundred and sixty-seven, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees, and said suits shall be advanced on the dockets of said courts and determined at the earliest time practicable.

RESERVATIONS.

Reservations.

SEC. 24. The following lands shall be reserved from the allotment of lands herein provided for:

Town sites. Ante, p. 650. Ante, p. 106.

(a) All lands set apart for town sites by the provisions of the Act of Congress of June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes, page four hundred and ninety-five), the provisions of the Act of Congress of May thirty-first, nineteen hundred (Thirty-first Statutes, page two hundred and twenty-one), and by the provisions of this Act.

Railroad lands.

(b) All lands to which, upon the date of the ratification of this Act, any railroad company may, under any treaty or Act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses only, connected with the maintenance and operation of the railroad.

Cemeteries.

(c) All lands selected for town cemeteries not to exceed twenty acres each.

Schoolhouse, etc., sites.

(d) One acre of land for each Cherokee schoolhouse not included in town sites or herein otherwise provided for.

(e) Four acres for Willie Halsell College at Vinita.

(f) Four acres for Baptist Mission school at Tahlequah.

(g) Four acres for Presbyterian school at Tahlequah.

(h) Four acres for Park Hill Mission school south of Tahlequah.

(i) Four acres for Elm Springs Mission school at Barren Fork.

(j) Four acres for Dwight Mission school at Sallisaw.

(k) Four acres for Skiatook Mission near Skiatook.

(l) Four acres for Lutheran Mission school on Illinois River north of Tahlequah.

(m) Sufficient ground for burial purposes where neighborhood cemeteries are now located, not to exceed three acres each.

(n) One acre for each church house outside of towns.

(o) The square now occupied by the capitol building at Tahlequah.

(p) The grounds now occupied by the national jail at Tahlequah.

(q) The grounds now occupied by the Cherokee Advocate printing office at Tahlequah.

(r) Forty acres for the Cherokee Male Seminary near Tahlequah.

(s) Forty acres for the Cherokee Female Seminary at Tahlequah.

(t) One hundred and twenty acres for the Cherokee Orphan Asylum on Grand River.

(u) Forty acres for colored high school in Tahlequah district.

(v) Forty acres for the Cherokee Insane Asylum.

(w) Four acres for the school for blind, deaf, and dumb children near Fort Gibson.

Location of churches and schoolhouses.

The acre so reserved for any church or schoolhouse in any quarter section of land shall be located where practicable in a corner of such quarter section adjacent to the section lines thereof.

Proviso. Methodist Episcopal Church South.

Provided, That the Methodist Episcopal Church South may, within twelve months after the ratification of this act, pay ten dollars per acre for the one hundred and sixty acres of land adjacent to the town of Vinita, and heretofore set apart by act of the Cherokee national council for the use of said church for missionary and educational purposes, and now occupied by Willie Halsell College (formerly Galloway College), and shall thereupon receive title thereto; but if said church fail so to do it may continue to occupy said one hundred and sixty acres of land as long as it uses same for the purposes aforesaid.

Additional educational lands.

Any other school or college in the Cherokee Nation which claims to be entitled under the law to a greater number of acres than is set apart for said school or college by section twenty-four of this Act may have the number of acres to which it is entitled by law. The trustees of such school or college shall, within sixty days after the ratification of this Act, make application to the Secretary of the Interior for the number of acres to which such school or college claims to be entitled, and if the Secretary of the Interior shall find that such school or college is, under the laws and treaties of the Cherokee Nation in force prior to the ratification of this Act, entitled to a greater number of acres of land than is provided for in this Act, he shall so determine and his decision shall be final. The amount so found by the Secretary of the Interior shall be set apart for the use of such college or school as long as the same may be used for missionary and educational purposes: *Provided*, That the trustees of such school or college shall pay ten dollars per acre for the number of acres so found by the Secretary of the Interior and which have been heretofore set apart by act of the Cherokee national council for use of such school or college for missionary or educational purposes, and upon the payment of such sum within sixty days after the decision of the Secretary of the Interior said college or school may receive a title to such land.

Proviso. Price per acre.

Roll of citizenship

ROLL OF CITIZENSHIP.

Date.

SEC. 25. The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

Persons entitled.

SEC. 26. The names of all persons living on the first day of September, nineteen hundred and two, entitled to be enrolled as provided in section twenty-five hereof, shall be placed upon the roll made by said Commission, and no child born thereafter to a citizen, and no white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and ninety-five, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation.

Preparation. Ante, p. 98.

SEC. 27. Such rolls shall in all other respects be made in strict compliance with the provisions of section twenty-one of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes, page four hundred and ninety-five), and the Act of Congress approved May thirty-first, nineteen hundred (Thirty-first Statutes, page two hundred and twenty-one).

Ante, p. 105.

Exclusion.

SEC. 28. No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

Lists of those entitled to enrollment.

SEC. 29. For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commissioner shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe, upon which allotment of land and distribution of other tribal property shall be made. When there shall have been submitted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the roll shall be deemed complete. The roll so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Cherokee Nation, and one to remain with the Commission to the Five Civilized Tribes.

Applications for enrollment of infants.

SEC. 30. During the months of September and October, in the year nineteen hundred and two, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the first day of September, nineteen hundred and two, but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two.

Distribution of the common property.

Proviso.
Extinguishment of interests by death.

Punishment for concealing death.

SEC. 31. No person whose name does not appear upon the roll prepared as herein provided shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe, and those whose names appear thereon shall participate in the manner set forth in this Act: *Provided*, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person, whose name is on said roll and who died prior to the first day of September, nineteen hundred and two. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before said date, and any person or persons who may conceal the death of anyone on said roll as aforesaid for the purpose of profiting by said concealment, and who shall knowingly receive any portion of any land or other tribal property or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony, and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto a forfeiture to the Cherokee Nation of the lands, other tribal property, and proceeds so obtained.

Schools.

SCHOOLS.

Funds.

SEC. 32. The Cherokee school fund shall be used, under the direction of the Secretary of the Interior, for the education of children of Cherokee citizens, and the Cherokee schools shall be conducted under rules prescribed by him according to Cherokee laws, subject to such modifications as he may deem necessary to make the schools most effective and to produce the best possible results; said schools to be under the supervision of a supervisor appointed by the Secretary and a school board elected by the national council.

Teachers.

SEC. 33. All teachers shall be examined by said supervisor, and said school board and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed; but where all qualifications are equal, preference shall be given to citizens of the Cherokee Nation in such employment.

Expenditures.

SEC. 34. All moneys for carrying on the schools shall be appropriated by the Cherokee national council, not to exceed the amount of the Cherokee school fund; but if the council fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of a sufficient amount of the school fund to pay all necessary expenses for the efficient conduct of the schools, strict account therefor to be rendered to him and the principal chief.

Accounts.

SEC. 35. All accounts for expenditures in carrying on the schools shall be examined and approved by said supervisor, and also by the general superintendent of Indian schools in the Indian Territory, before payment thereof is made.

Interest, orphan fund.

SEC. 36. The interest arising from the Cherokee orphan fund shall be used, under the direction of the Secretary of the Interior, for maintaining the Cherokee Orphan Asylum for the benefit of the Cherokee orphan children.

ROADS.

Roads.

SEC. 37. Public highways or roads two rods in width, being one rod on each side of the section line, may be established along all section lines without any compensation being paid therefor, and all allottees, purchasers, and others shall take the title to such lands subject to this provision; and public highways or roads may be established elsewhere whenever necessary for the public good, the actual value of the land taken elsewhere than along section lines to be determined under the direction of the Secretary of the Interior while the tribal government continues and to be paid by the Cherokee Nation during that time; and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, whether along section lines or elsewhere, such damages, during the continuance of the tribal government, shall be determined and paid for in the same manner.

TOWN SITES.

Town sites.

Ante, p. 106.

SEC. 38. The lands which may hereafter be set aside and reserved for town sites upon the recommendation of the Dawes Commission under the provisions of the Act of Congress approved May thirty-first, nineteen hundred (Thirty-first Statutes, page two hundred and twenty-one), shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, not to exceed six hundred and forty acres for each town site.

Occupied town sites.

Ante, p. 91.

Compensation to occupant.

SEC. 39. Whenever any tract of land shall be set aside by the Secretary of the Interior for town-site purposes, as provided in said Act of May thirty-first, nineteen hundred, or by the terms of this Act, which is occupied at the time of such segregation by any member of the Cherokee Nation, such occupant shall be allowed to purchase any lot upon which he then has improvements other than fences, tillage, and temporary improvements, in accordance with the provisions of the Act of June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes, page four hundred and ninety-five), or, if he so elects, the lot will be sold under rules and regulations to be prescribed by the Secretary of the Interior, and he shall be fully compensated for his improvements thereon out of the funds of the tribe arising from the sale of the town sites, the value of such improvements to be determined by a board of appraisers, one member of which shall be appointed by the Secretary of the Interior, one by the chief executive of the tribe, and one by the occupant of the land, said board of appraisers to be paid such compensation for their services as may be determined by the Secretary of the Interior out of any appropriations for surveying, laying out, platting, and selling town sites.

Survey, etc.

Ante, p. 106.

SEC. 40. All town sites which may hereafter be set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved May thirty-first, nineteen hundred (Thirty-first Statutes, page two hundred and twenty-one), with the additional acreage added thereto, as well as all town sites set aside under the provisions of this Act having a population of less than two hundred, shall be surveyed, laid out, platted, appraised, and disposed of in like manner, and with like preference rights accorded to owners of improvements as other town sites in the Cherokee Nation are surveyed, laid out, platted, appraised, and disposed of under the Act of Congress of June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes, page four hundred and ninety-five), as modified or supplemented by the Act of May thirty-first, nineteen hundred: *Provided*, That as to the town sites set aside as aforesaid the owner of the improvements shall be required to pay the full appraised value of the lot instead of the percentage named in said Act of June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes, page four hundred and ninety-five).

Ante, p. 93.

Ante, p. 106.

Proviso.
Appraised value.

Ante, p. 93

Right to purchase town lots at one-fourth appraised value.
Ante, p. 106.

SEC. 41. Any person being in possession or having the right to the possession of any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the Act of Congress approved May thirty-first, nineteen hundred (Thirty-first Statutes, page two hundred and twenty-one), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and owning improvements thereon, other than temporary buildings, fencing, or tillage, shall have the right to purchase the same at one-fourth of the appraised value thereof.

Right to purchase at one-half appraised value.
Ante, p. 106.
Acquired from Indians.

SEC. 42. Any person being in possession of, or having the right to the possession of, any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the Act of Congress, approved May thirty-first, nineteen hundred (Thirty-first Statutes, page two hundred and twenty-one), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and not having any improvements thereon, shall have the right to purchase the same at one-half of the appraised value thereof.

Not acquired from Indians.

SEC. 43. Any citizen in rightful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase same by paying one-half the appraised value thereof: *Provided*, That any other person in undisputed possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying the appraised value thereof.

Proviso.
Right to purchase at appraised value.

Sale of unimproved lots.

SEC. 44. All lots not having thereon improvements other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after appraisement, under the direction of the Secretary of the Interior, after due advertisement, at public auction, to the highest bidder, at not less than their appraised value.

Terms of payment.

SEC. 45. When the appraisement of any town lot is made and approved, the town-site commission shall notify the claimant thereof of the amount of appraisement, and he shall, within sixty days thereafter, make payment of ten per centum of the amount due for the lot, and four months thereafter he shall pay fifteen per centum additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the claimant of any such lot fail to purchase same or make the first and second payments aforesaid or make any other payment within the time specified, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at a price not less than its appraised value.

Appraisal of improvements.
Ante, p. 93.

SEC. 46. When any improved lot shall be sold at public auction because of the failure of the person owning improvements thereon to purchase same within the time allowed in said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes, page four hundred and ninety-five), said improvements shall be appraised by a committee, one member of which shall be selected by the owner of the improvements and one member by the purchaser of said lot; and in case the said committee is not able to agree upon the value of said improvements, the committee may select a third member, and in that event the determination of the majority of the committee shall control. Said committee of appraisement shall be paid such compensation for their services by the two parties in interest, share and share alike, as may be agreed upon, and the amount of said appraisement shall be paid by the purchaser of the lot to the owner of the improvements in cash within thirty days after the decision of the committee of appraisement.

Compensation.

Payments at time of purchase.

SEC. 47. The purchaser of any unimproved town lot sold at public auction shall pay twenty-five per centum of the purchase money at the time of the sale, and within four months thereafter he shall pay twenty-five per centum additional, and the remainder of the purchase money he shall pay in two equal annual installments without interest.

Towns with less than 200 inhabitants.

SEC. 48. Such towns in the Cherokee Nation as may have a population of less than two hundred people not otherwise provided for, and which, in the judgment of the Secretary of the Interior, should be set aside as town sites, shall have their limits defined as soon as practicable after the approval of this Act in the same manner as provided for other town sites.

Location of cemeteries.

SEC. 49. The town authorities of any town site in said Cherokee Nation may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from said town, to embrace such number of acres as may be deemed necessary for such purpose. The town-site commission shall appraise the same at its true value, and the town may purchase the same within one year from the approval of the survey by paying the appraised value. If any citizen have improvements thereon, said improvements shall be appraised by said town-site commission and paid for by the town: *Provided*, That lands already laid out by tribal authorities for cemeteries shall be included in the cemeteries herein provided for without cost to the towns, and the holdings of the burial lots therein now occupied for such purpose shall in no wise be disturbed: *And provided further*, That any park laid out and surveyed in any town shall be duly appraised at a fair valuation, and the inhabitants of said town shall, within one year after the approval of the survey and the appraisement of said park by the Secretary of the Interior, pay the appraised value to the proper officer for the benefit of the tribe.

Provisos.
Tribal cemeteries.

Parks.

Expenses of surveying, etc.

SEC. 50. The United States shall pay all expenses incident to surveying, platting, and disposition of town lots, and all allotments of lands made under the provisions of this plan of allotment, except where the town authorities may have been or may be duly authorized to survey and plat their respective towns at the expense of such towns.

Exceptions.

Taxes

SEC. 51. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided.

Default of payment.

SEC. 52. If the purchaser of any town lot fail to make payment of any sum when due, the same shall thereafter bear six per centum interest per annum until paid.

Lots occupied by churches, etc.

SEC. 53. All lots or parts of lots, not exceeding fifty by one hundred and fifty feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisement, shall be conveyed gratuitously to the churches to which such improvements belong, and if such churches have inclosed other adjoining lots actually necessary for their use, they may purchase the same by paying the appraised value thereof.

Failure to appoint a town-site commissioner.

SEC. 54. Whenever the chief executive of the Cherokee Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioners appointed by the chief executive to qualify or act, or otherwise, the Secretary of the Interior, in his discretion, may appoint a commissioner to fill the vacancy thus created.

Payment of purchase money.

SEC. 55. The purchaser of any town lot may at any time pay the full amount of the purchase money, and he shall thereupon receive title therefor.

Bids.

SEC. 56. Any person may bid for and purchase any lot sold at public auction as herein provided.

Land for court-houses, etc.

SEC. 57. The United States may purchase in any town in the Cherokee Nation suitable lands for court-houses, jails, or other necessary public purposes for its use by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such lands are needed, and if any person have improvements thereon the same shall be appraised in like manner as other town property, and shall be paid for by the United States.

Titles.

TITLES.

Patents.

SEC. 58. The Secretary of the Interior shall furnish the principal chief with blank patents necessary for all conveyances herein provided for, and when any citizen receives his allotment of land, or when any allotment has been so ascertained and fixed that title should under the provisions of this act be conveyed, the principal chief shall thereupon proceed to execute and deliver to him a patent conveying all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

Approval of conveyances.

SEC. 59. All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his patent.

Assent to allotment, etc., of all lands of the tribe.

SEC. 60. Any allottee accepting such patent shall be deemed to assent to the allotment and conveyance of all the lands of the tribe as provided in this Act, and to relinquish all his right, title, and interest to the same, except in the proceeds of lands reserved from allotment.

Patents for minors, etc.

SEC. 61. The acceptance of patents for minors and incompetents by persons authorized to select their allotments for them shall be deemed sufficient to bind such minors and incompetents as to the conveyance of all other lands of the tribe.

Filing and recording patents.

SEC. 62. All patents, when so executed and approved, shall be filed in the office of the Dawes Commission, and recorded in a book provided for the purpose, until such time as Congress shall make other suitable provision for record of land titles, without expense to the grantee, and such records shall have like effect as other public records.

Miscellaneous.

MISCELLANEOUS.

Termination of tribal government.

SEC. 63. The tribal government of the Cherokee Nation shall not continue longer than March fourth, nineteen hundred and six.

Revenues.

SEC. 64. The collection of all revenues of whatsoever character belonging to the tribe shall be made by an officer appointed by the Secretary of the Interior, under rules and regulations to be prescribed by the said Secretary.

Powers of the Secretary of the Interior.

SEC. 65. All things necessary to carry into effect the provisions of this Act, not otherwise herein specifically provided for, shall be done under the authority and direction of the Secretary of the Interior.

Payment of funds, etc.

SEC. 66. All funds of the tribe, and all moneys accruing under the provisions of this Act, shall be paid out under the direction of the

Secretary of the Interior, and when required for per capita payments shall be paid directly to each individual by an appointed officer of the United States, under direction of the Secretary of the Interior.

Debts.

SEC. 67. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of the ratification of this act which may have lawfully been contracted, and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law hereafter and prior to the dissolution of the tribal government, such payments to be made from any funds in the United States Treasury belonging to said tribe, and all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made. The Secretary of the Interior shall make such payments at the earliest time practicable and he shall make all needed rules and regulations to carry this provision into effect.

Claims against the United States referred to Court of Claims.

SEC. 68. Jurisdiction is hereby conferred upon the Court of Claims to examine, consider, and adjudicate, with a right of appeal to the Supreme Court of the United States by any party in interest feeling aggrieved at the decision of the Court of Claims, any claim which the Cherokee tribe, or any band thereof, arising under treaty stipulations may have against the United States, upon which suit shall be instituted within two years after the approval of this act; and also to examine, consider, and adjudicate any claim which the United States may have against said tribe, or any band thereof. The institution, prosecution, or defense, as the case may be, on the part of the tribe or any band, of any such suit, shall be through attorneys employed and to be compensated in the manner prescribed in sections twenty-one hundred and three to twenty-one hundred and six, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys, and the band acting through a committee recognized by the Secretary of the Interior. The Court of Claims shall have full authority, by proper orders and process, to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy, and any such suit shall, on motion of either party, be advanced on the docket of either of said courts and be determined at the earliest practicable time.

Proceedings.

R. S., secs. 2103-2106.

Contests.

SEC. 69. After the expiration of nine months after the date of the original selection of an allotment by or for any citizen of the Cherokee tribe as provided in this Act, no contest shall be instituted against such selection, and as early thereafter as practicable patent shall issue therefor.

Selection of allotments for minors.

SEC. 70. Allotments may be selected and homesteads designated for minors by the father or mother, if citizens, or by a guardian, or curator, or the administrator having charge of their estate, in the order named; and for prisoners, convicts, aged and infirm persons, and soldiers and sailors of the United States on duty outside of the Indian Territory, by duly appointed agents under power of attorney; and for incompetents by guardians, curators, or other suitable persons akin to them; but it shall be the duty of said Commission to see that said selections are made for the best interests of such parties.

For prisoners, etc.

Payment of appraised value of improvements.

SEC. 71. Any allottee taking as his allotment lands located around the Cherokee National Male Seminary, the Cherokee National Female Seminary, or Cherokee Orphan Asylum which have not been reserved from allotment as herein provided, and upon which buildings, fences, or other property of the Cherokee Nation are located, such buildings, fences, or other property shall be appraised at the true value thereof and be paid for by the allottee taking such lands as his allotment, and the money to be paid into the Treasury of the United States to the credit of the Cherokee Nation.

Disposition of proceeds.

Grazing and agricultural leases limited.

SEC. 72. Cherokee citizens may rent their allotments when selected for a term not to exceed one year for grazing purposes only, and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same; but leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes and for mineral purposes may also be made with the approval of the Secretary of the Interior and not otherwise. Any agreement or lease of any kind or character violative of this section shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Cherokee Nation and grazed on lands not selected as allotments by citizens the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section twenty-one hundred and seventeen of the Revised Statutes of the United States shall not hereafter apply to Cherokee lands.

Leases void.

Cattle grazing on leased allotments not taxable.

Grazing on unallotted lands.

R. S., sec. 2117, p. 370.

Other lands and property of tribe not affected.

Ante, p. 98.

SEC. 73. The provisions of section thirteen of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to or in any manner affect the lands or other property of said tribe, and no Act of Congress or treaty provision inconsistent with this agreement shall be in force in said Nation except sections fourteen and twenty-seven of said last-mentioned Act, which shall continue in force as if this agreement had not been made.

Ante, pp. 94, 100.

Ratification.

SEC. 74. This Act shall not take effect or be of any validity until ratified by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following:

Election.

SEC. 75. The principal chief shall, within ten days after the passage of this Act by Congress, make public proclamation that the same shall be voted upon at a special election to be held for that purpose within thirty days thereafter, on a certain date therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee national council, if then in session, and if not in session the principal chief shall convene an extraordinary session for the purpose, in the presence of a member of the Commission to the Five Civilized Tribes, and said member and the principal chief shall jointly make certificate thereof and proclamation of the result, and transmit the same to the President of the United States.

Proclamation.

Approved, July 1, 1902.

July 1, 1902.

32 Stat., 730.

CHAP. 1380.—An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation.

Umatilla Indian Reservation.

Private sale of unsold portion of certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the lands of the Umatilla Indian Reservation not included within the new boundaries of the reservation and not allotted or required for allotment to the Indians, and which were not sold at the public sale of said lands heretofore held at the price for which they had been appraised, and upon the conditions provided in an Act entitled "An Act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," shall be sold at private sale by the register of the land office in the district within which they are situated, at not less

See note to 1885, ch. 322, ante, p. 293.

than the appraised value thereof, and in conformity with the provisions of said Act: *Provided*, That any bona fide settler upon any of said lands who is the owner of substantial improvements thereon, and who has so settled and improved any subdivision of said lands, with the intent of permanently residing on the same as a homestead, shall have a preference right to buy the lands so settled upon by him at any time within ninety days after the passage of this Act, upon making satisfactory proof in the local land office as to settlement, intent, and improvements.

Proviso.
Preference right.

Approved, July 1, 1902.

RESOLUTION No. 24.—Joint resolution fixing the time when certain provisions of the Indian appropriation Act for the year ending June thirtieth, nineteen hundred and three, shall take effect.

May 27, 1902.
32 Stat., 742.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," shall take effect from and after July first, nineteen hundred and two, except as otherwise specially provided therein.

Indian appropriation act.

Date of effect.
Ante, p. 750.

Approved, May 27, 1902.

RESOLUTION No. 25.—Joint resolution fixing the time when a certain provision of the Indian appropriation Act for the year ending June thirtieth, nineteen hundred and three, shall take effect.

May 27, 1902.
32 Stat., 742.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That that provision in the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," which relates to the subjecting to entry under the mining laws of the United States certain lands in the Spokane Indian Reservation, in the State of Washington, shall not take effect and be operative until December thirty-first, nineteen hundred and two.

Spokane Indian Reservation.
Mining entries not allowed until Dec. 31, 1902.
Ante, p. 754.

Approved, May 27, 1902.

RESOLUTION No. 31.—Joint resolution supplementing and modifying certain provisions of the Indian appropriation act for the year ending June thirtieth, nineteen hundred and three.

June 19, 1902.
32 Stat., 742.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act "Making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes," are hereby supplemented and modified as follows:

Indian appropriation act.
Corrections.

* * * * * * *

In addition to the allotments in severalty to the Uintah and White River Utes of the Uintah Indian Reservation in the State of Utah, the Secretary of the Interior shall, before any of said lands are opened to disposition under any public-land law, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subserve the reasonable requirements of said Indians for the grazing of live stock.

Uintah and White River Ute.
Nonirrigable grazing lands.
See note to 1874, ch. 136, ante, p. 151.
Also, 1888, ch. 310, ante, p. 271.

Uncompahgre Indians.
Allotments confined to agricultural lands.

All allotments hereafter made to Uncompahgre Indians of lands in said Uintah Indian Reservation shall be confined to agricultural land which can be irrigated, and shall be on the basis of eighty acres to each head of a family and forty acres to each other Indian, and no more. The grazing land selected and set apart as aforesaid in the Uintah Indian Reservation for the use in common of the Indians of that reservation shall be equally open to the use of all Uncompahgre Indians receiving allotments in said reservation of the reduced area here named.

Grazing lands.
Ante, p. 753.

Allotments in severalty to Indians outside Indian Territory.
Ante, p. 33.

In so far as not otherwise specially provided, all allotments in severalty to Indians, outside of the Indian Territory, shall be made in conformity to the provisions of the Act approved February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and other general Acts amendatory thereof or supplemental thereto, and shall be subject to all the restrictions and carry all the privileges incident to allotments made under said Act and other general Acts amendatory thereof or supplemental thereto.

Ante, p. 56.

* * * * * * *

Approved, June 19, 1902.

PART III.—EXECUTIVE ORDERS RELATING TO INDIAN RESERVES.

ARIZONA.

Camp Grant Reserve.

Department of the Interior,
Board of Indian Commissioners,
Camp Grant, Ariz., September 18, 1871.

Sir: The boundaries of the reservation selected with the approval of the President and Secretary of the Interior and Secretary of War, at Camp Grant, Arizona Territory, within the limits of which all peaceably-disposed Arivapa, Pinal, and other roving bands of Apache Indians are hereafter to be protected, fed, and otherwise provided, will be as follows.

Bounded north by the Gila River; west by a line 10 miles from and parallel to the general course of the San Pedro River; south by a line at right angles to the western boundary, crossing the San Pedro 10 miles from Camp Grant; east by a line at right angles to the southern boundary, touching the western base of Mount Turnbull, terminating at the Gila River, the northern boundary.

Citizens who have built or are now working ranches within the above-described boundaries will be allowed to remain to secure their crops and care for their property, until further orders from Washington, D. C., provided they conform to the laws prescribed by Congress for the government of Indian reservations. A copy of the laws and regulations governing this as well as all other Indian reservations will be forwarded to you on my return to Washington.

Very respectfully, your obedient servant,

Vincent Colyer,
Commissioner.

Lieut. Royal E. Whitman, U. S. A.,
In charge Indian Reservation, Camp Grant, Ariz.

(For other correspondence relating to this reserve and Executive order of November 9, 1871, and also for order restoring same to the public domain, see "White Mountain Reserve.")

Camp Verde Reserve.

Department of the Interior,
Board of Indian Commissioners,
Camp Verde, Ariz., October 3, 1871.

General: Having personally inspected the country and condition of the Apache Mohave Indians on the Verde River, above the post, and finding the Indians to be, in considerable numbers, destitute and in a starving condition, having no boundaries defining their homes, their country overrun by hunters who kill their game, and not unfrequently kill the Indians—gold prospectors and others, none of whom locate in this section of country—agreeably to the powers conferred upon me by the President, and communicated to me in the letter of the Secretary of the Interior dated July 21, 1871, and the orders of the Secretary of War of July 18 and 31, 1871, and in harmony with the humane action of Congress in providing funds for this purpose, I have concluded to declare all that portion of country adjoining on the northwest side of and above the military reservation of this post on the Verde River for a distance of 10 miles on both sides of the river, to the point where the old wagon road to New Mexico crosses the Verde, supposed to be a distance up the river of about 45 miles, to be an Indian reservation, within the limits of which all peaceably-disposed Apache Mohave Indians are to be protected, fed, and otherwise cared for, and the laws of Congress and Executive orders relating to the government of Indian reservations shall have full power and force within the boundaries of the same, unless otherwise ordered by Congress or the President.

Very respectfully, your obedient servant,

VINCENT COLYER, *Commissioner*

BVT. MAJ. GEN. C. GROVER,
Commanding Camp Verde, Ariz.

(For further correspondence relating to this reserve, and Executive order of November 9, 1871, see "White Mountain Reserve." post page 812.)

EXECUTIVE MANSION, *April 23, 1875.*

All orders establishing and setting apart the Camp Verde Indian Reservation, in the Territory of Arizona, described as follows: "All that portion of country adjoining on the northwest side of and above the military reservation of this [Camp Verde] post, on the Verde River, for a distance of 10 miles on both sides of the river to the point where the old wagon road to New Mexico crosses the Verde, supposed to be a distance up the river of about 45 miles," are hereby revoked and annulled; and the said described tract of country is hereby restored to the public domain.

U. S. GRANT.

Chiricahua Reserve.

(For Executive order of December 14, 1872, setting apart this reserve, see "White Mountain Reserve," post page 812.)

EXECUTIVE MANSION, *October 30, 1876.*

It is hereby ordered that the order of December 14, 1872, setting apart the following-described lands in the Territory of Arizona as a reservation for certain Apache Indians, viz: Beginning at Dragoon Springs, near Dragoon Pass, and running thence northeasterly along the north base of the Chiricahua Mountains, to a point on the summit of Peloncillo Mountains, or Stevens Peak Range; thence running southeasterly along said range through Stevens Peak to the boundary of New Mexico; thence running south to the boundary of Mexico; thence running westerly along said boundary 56 miles; thence running northerly, following substantially the western base of the Dragoon Mountains, to the place of beginning, be, and the same is hereby, canceled, and said lands are restored to the public domain.

U. S. GRANT.

Colorado River Reserve.

[In the Colorado River Agency; occupied by the Chemehuevi, Walapai, Kowia, Cocopa, Mohave, and Yuma tribes; area, 376 square miles; established by act of March 3, 1865 (13 Stat., 559), and following Executive orders.]

EXECUTIVE MANSION, *November 22, 1873.*

It is hereby ordered that the following-described tract of country in the Territory of Arizona be withdrawn from sale and added to the reservation set apart for the Indians of the Colorado River and its tributaries, by act of Congress, approved March 3, 1865 (U. S. Stat. at Large, vol. 13, p. 559), viz: All that section of bottom-land adjoining the Colorado Reserve, and extending from that reserve on the north side to within 6 miles of Ehrenberg on the south, bounded on the west by the Colorado River, and east by mountains and mesas.

U. S. GRANT.

EXECUTIVE MANSION, *November 16, 1874.*

It is hereby ordered that a tract of country embraced within the following-described boundaries, which covers and adds to the present reservation, as set apart by act of Congress approved March 3, 1865 (Stat. at Large, vol. 13, p. 559), and enlarged by Executive order dated November 22, 1873, viz:

Beginning at a point where the La Paz Arroyo enters the Colorado River, 4 miles above Ehrenberg; thence easterly with said Arroyo to a point south of the crest of La Paz Mountain; thence with said crest of mountain in a northerly direction to the top of Black Mountain; thence in a northwesterly direction across the Colorado River to the top of Monument Peak, in the State of California; thence southwesterly in a straight line to the top of Riverside Mountain, California; thence in a southeasterly direction to the point of beginning, be, and the same is hereby, withdrawn from sale and set apart as the reservation for the Indians of the Colorado River and its tributaries.

U. S. GRANT.

EXECUTIVE MANSION, *May 15, 1876.*

Whereas an Executive order was issued November 16, 1874, defining the limits of the Colorado River Indian Reservation, which purported to cover, but did not, all the lands theretofore set apart by act of Congress approved March 3, 1865, and Executive order dated November 22, 1873; and whereas the order of November 16, 1874, did not revoke the order of November 22, 1873, it is hereby ordered that all lands withdrawn from sale by either of these orders are still set apart for Indian purposes; and the following are hereby declared to be the boundaries of the Colorado River Indian Reservation in Arizona and California, viz:

Beginning at a point where La Paz Arroyo enters the Colorado River and 4 miles above Ehrenberg; thence easterly with said Arroyo to a point south of the crest of La Paz Mountain; thence with said mountain crest in a northerly direction to the top of Black Mountain; thence in a northwesterly direction over the Colorado River to the top of

Monument Peak, in the State of California; thence southwesterly in a straight line to the top of Riverside Mountain, California; thence in a direct line toward the place of beginning to the west bank of the Colorado River; thence down said west bank to a point opposite the place of beginning; thence to the place of beginning.

U. S. GRANT.

Gila Bend Reserve.

[Pima Agency; occupied by Papago tribe; area 35 square miles.]

EXECUTIVE MANSION, *December 12, 1882.*

It is hereby ordered that the following tract of country in the Territory of Arizona, viz, township 5 south, range 5 west, Gila and Salt River meridian, excepting section 18 thereof, be, and the same is hereby, withdrawn from sale and settlement and set apart for the use and occupancy of the Papago and other Indians now settled there, and such other Indians as the Secretary of the Interior may see fit to settle thereon.

CHESTER A. ARTHUR.

(See Papago.)

Gila River Reserve.

[In Pima Agency; occupied by Maricopa and Pima tribes; area 556 square miles; established by act of February 28, 1859 (11 Stat., 401), and Executive orders, for which see "Pima and Maricopa Reserve," post p. 806.]

Hualpai [*Walapai*] *Reserve.*

[In Walapai Agency; occupied by Walapai tribe; area 1,142 square miles.]

EXECUTIVE MANSION, *January 4, 1883.*

It is hereby ordered that the following-described tract of country situated in the Territory of Arizona be, and the same is hereby, set aside and reserved for the use and occupancy of the Hualpai Indians, namely: Beginning at a point on the Colorado River 5 miles eastward of Tinnakah Spring; thence south 20 miles to crest of high mesa; thence south 40 degrees east 25 miles to a point of Music Mountains; thence east 15 miles; thence north 50 degrees east 35 miles; thence north 30 miles to the Colorado River; thence along said river to the place of beginning; the southern boundary being at least 2 miles south of Peach Spring, and the eastern boundary at least 2 miles east of Pine Spring. All bearings and distances being approximate.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, May 14, 1900.

It is hereby ordered that the northwest quarter (NW. ¼) of section fifteen (15) in township twenty-three (23) north of range thirteen (13) west, Gila and Salt River base and principal meridian, in Arizona, conveyed to the United States by quitclaim deed of the Santa Fe Pacific Railroad Company dated September 12, 1899, be and the same is hereby set apart, subject to certain exceptions, reservations, and conditions made by said company as set forth in the deed aforesaid, for Indian school purposes for the Hualapai Indians as an addition to section ten (10) of the township and range above mentioned, set aside by Executive order dated December 22, 1898, and designated therein as the "Hualapai Indian School Reserve."

WILLIAM MCKINLEY.

Hualapai Indian School Reserve.

EXECUTIVE MANSION, *December 22, 1898.*

It is hereby ordered that section 10, township 23 north, range 13 west, Arizona, be, and the same is hereby, set apart as a reservation for Indian school purposes for the Hualapai Indians, to be known as the "Hualapai Indian School Reserve."

WILLIAM MCKINLEY.

Moqui (Hopi) Reserve.

[In Navajo Agency; occupied by the Moqui (Hopi) tribe; area 3,863 square miles.]

EXECUTIVE MANSION, *December 16, 1882.*

It is hereby ordered that the tract of country in the Territory of Arizona lying and being within the following-described boundaries, viz, beginning on the one hundred and tenth degree of longitude west from Greenwich, at a point 36 degrees and 30 minutes north, thence due west to the one hundred and eleventh degree of longitude west, thence due south to a point of longitude 35 degrees and 30 minutes north, thence due east to the one hundred and tenth degree of longitude, and thence due north to place of beginning, be, and the same is hereby, withdrawn from settlement and sale, and set apart for the use and occupancy of the Moqui and such other Indians as the Secretary of the Interior may see fit to settle thereon.

CHESTER A. ARTHUR.

Navajo Reserve.

[In Navajo Agency; occupied by Navajo tribe; area 12,029 square miles.]

For order relating to part of Navajo reserve in Arizona, and Utah, see New Mexico, post page 875.

Papago Reserve.

[In Pima Agency; occupied by Papago tribe; area 43 square miles; established by act of August 5, 1882 (22 Stat., 299), and following Executive order.]

EXECUTIVE MANSION, *July 1, 1874.*

It is hereby ordered that there be withdrawn from sale or entry and set apart for the use of the Papago and such other Indians as it may be desirable to place thereon, the following tract of country around San Xavier del Bac, in Arizona, viz:

Beginning at the northeast corner of section 9, township 15 south, range 13 east; thence west one-half mile to the quarter-section corner; thence south 3 miles to the section line between sections 21 and 28 of same township; thence west along north boundary of sections 28, 29, and 30, up to the northwest corner of section 30, same township, continuing thence due west 9 miles to a point; thence south 7 miles to a point; thence east 3 miles to the southwest corner of section 30, township 16 south, range 12 east; thence east along the south boundary of sections 30, 29, 28, 27, 26, and 25, township 16 south, range 12 east, and sections 30, 29, 28, 27, 26, and 25, township 16 south, range 13 east, to the southeast corner of section 25, same township; thence north along the range line between ranges 13 and 14 east to the northeast corner of section 24, township 15 south, range 13 east; thence west to the northwest corner of section 22, same township; thence north to the place of beginning, to be known as the Papago Indian Reserve.

U. S. Grant.

(See Gila Bend, ante page 804.)

Pima and Maricopa or Gila River Reserve.

[In Pima Agency; occupied by Pima and Maricopa tribes; area 556 square miles; established by act of February 28, 1859, and Executive orders.]

Executive Mansion, *August 31, 1876.*

It is hereby ordered that the following-described lands in the Territory of Arizona, viz, township 4 south, range 7 east, sections 14, 15, 22, 23, 24, 25, 26, 27, north half of section 35 and section 36; township 5 south, range 7 east, northeast quarter of section 1; township 4 south, range 8 east, southwest quarter of section 19, west half and southeast quarter of section 29, sections 30, 31, 32, and southwest quarter of section 33; township 5 south, range 8 east, southwest quarter of section 3, section 4, north half of section 5, north half of northeast quarter and northwest quarter of section 6, and northwest quarter of section 10, be, and the same are hereby, withdrawn from the public domain and set apart as an addition to the Gila River Reservation in Arizona for the use and occupancy of the Pima and Maricopa Indians.

U. S. Grant

Executive Mansion, *January 10, 1879.*

It is hereby ordered that all the public lands embraced within the following boundaries lying within the Territory of Arizona, viz, commencing at the mouth of the Salt River, running thence up the Gila River to the south line of township No. 2 south, Gila and Salt River base-line; thence east with said line to the southeast corner of township No. 2 south, range 6 east; thence north with said line to a point 2 miles south of the Salt River; thence following the course of said stream in an easterly direction, and 2 miles south of the same, to the west line of the White Mountain Reservation; thence north with the line of said reservation, or the extension of the same, to a point 2 miles north of said river; thence in a westerly direction, following the course of said river, and 2 miles north of the same, to the east line of range 6 east; thence north with said line to the northeast corner of township 2 north, range 6 east; thence west with the north line of said township to the Gila and Salt River meridian line; thence south with the said line to the Gila River, and thence by the said river to the place of beginning, be, and the same are hereby, withdrawn from sale and set apart for the use of the Pima and Maricopa Indians, in addition to their present reservation in said Territory.

R. B. Hayes.

Executive Mansion, *June 14, 1879.*

In lieu of an executive order dated January 10, 1879, setting apart certain lands in the Territory of Arizona as a reservation for the Pima and Maricopa Indians, which order is hereby canceled, it is hereby ordered that there be withdrawn from sale and settlement and set apart for the use of said Pima and Maricopa Indians, as an addition to the reservation set apart for said Indians by act of Congress approved February 28, 1859 (11 Stat., 401), the several tracts of country in said Territory of Arizona lying within the following boundaries, viz:

Beginning at the point where the range-line between ranges 4 and 5 east crosses the Salt River; thence up and along the middle of said river to a point where the easterly line of Camp McDowell military reservation, if prolonged south, would strike said river; thence northerly to the southeast corner of Camp McDowell reservation; thence west along the southern boundary-line of said Camp McDowell reservation to the southwest corner thereof; thence up and along the west boundary line of said reservation until it intersects the north boundary of the southern tier of sections in township 3 north, range 6 east; thence west along the north boundary of the southern tier of sections in township 3 north, ranges 5 and 6 east, to the northwest corner of section 31, township 3 north, range 5 east; thence south along the range-line between ranges 4 and 5 east to the place of beginning.

Also all the land in said Territory bounded and described as follows, viz:

Beginning at the northwest corner of the old Gila Reservation; thence by a direct line running northwesterly until it strikes Salt River 4 miles east from the intersection of said river with the Gila River; thence down and along the middle of said Salt River to the mouth of the Gila River; thence up and along the middle of said Gila River to its intersection with the northwesterly boundary line of the old Gila Reservation; thence northwesterly along the said last-described boundary line to the place of beginning.

It is hereby ordered that so much of townships 1 and 2 north, ranges 5 and 6 east, lying south of the Salt River as are now occupied and improved by said Indians, be temporarily withdrawn from sale and settlement until such time as they may severally dispose of and receive payment for the improvements made by them on said lands.

R. B. HAYES.

EXECUTIVE MANSION, *May 5, 1882.*

It is hereby ordered that the following-described lands, situated in the Territory of Arizona, viz:

Beginning at a point where the south boundary of section 15, township 3 south, range 3 east, intersects the western boundary of the present reservation south of the Gila River; thence west along the south boundary of sections 15 and 16, township 3 south, range 3 east, to the southwest corner of section 16; thence north along the section line to the northwest corner of section 16; thence due west along the south boundary of sections 8 and 7, in township 3 south, range 3 east, and sections 12, 11, and 10, in township 3 south, range 2 east, to the southwest corner of section 10; thence north along the west boundary of sections 10 and 3, to the northwest corner of section 3, in township 3 south, range 2 east; thence west along the north boundary of said township to the southwest corner of section 33, in township 2 south, range 2 east; thence north along the west boundary of sections 33 and 28 to the northwest corner of section 28; thence northwest in a straight line to a point on the Gila River meridian 2 miles south of the initial point on the Gila River base line; thence north along the Gila River meridian to the middle of the Gila River; thence with the boundary of the present reservation along and up the middle of the Gila River to a point where the said boundary leaves the said river; thence continuing along said boundary south 18° 38′ east to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement, and set apart for the use of the Pima and Maricopa Indians, in addition to their present reservation in said Territory: *Provided*, *however*, That any tract or tracts of land included within the foregoing described boundaries the title to which has passed out of the United States Government, or to which valid homestead and preemption rights have attached under the laws of the United States, prior to the date of this order, are hereby excluded from the reservation hereby made.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *November 15, 1883.*

It is hereby ordered that the tract of country in the Territory of Arizona embraced within the following-described boundaries, which covers and adds to the present reservation as set apart by act of Congress approved February 28, 1859 (11 Stats., 401), and Executive orders dated August 31, 1876, June 14, 1879, and May 5, 1882, viz, beginning at a point in the middle of Salt River 4 miles east from the intersection of said river with the Gila River, being the northeast corner of the Executive addition of June 14, 1879; thence southeasterly along the boundary line of said Executive addition to the township line between townships 1 and 2 south, range 2 east of the Gila and Salt River meridian; thence east on the township lines between townships 1 and 2 south to the northeast corner of township 2 south, range 4 east; thence south on the range line between ranges 4 and 5 east to the southeast corner of township 2 south, range 4 east; thence east on the township lines between townships 2 and 3 south to the northeast corner of township 3 south, range 6 east; thence south on the range line between ranges 6 and 7 east to the southeast corner of township 3 south, range 6 east; thence east on the township lines between townships 3 and 4 south to the quarter-section corner on the north boundary of section 3, township 4 south, range 8 east; thence south through the middle of sections 3, 10, 15, 22, 27, and 34, in township 4 south, range 8 east, and section 3, in township 5 south, range 8 east, to the northeast corner of the present reservation as established by Executive order dated August 31, 1876, being the northeast corner of the southwest quarter of section 3, township 5 south, range 8 east; thence following the boundary line of said reservation southwest and north to the northeast corner of section 2, township 5 south, range 7 east; thence south on the section lines to the southeast corner of section 11, in township 5 south, range 7 east; thence west on the section lines through ranges 7, 6, and 5 east to the southwest corner of section 7, township 5 south, range 5 east; thence north on the range line between ranges 4 and 5 east to the northwest corner of section 18, township 4 south, range 5 east; thence west on the section lines through ranges 4, 3, and 2 east to the southwest corner of section 7, township 4 south, range 2 east; thence north on the range line between ranges 1 and 2 east to the northwest corner of section 19, in township 2 south, range 2 east; thence west on the section lines through range 1 east to the southwest corner of section 18, township 2 south, range 1 east on the Gila and Salt River meridian; thence north on the Gila and Salt River meridian to a point in the Gila River opposite the middle of the mouth of Salt River; thence up the middle of Salt River to the place of beginning, as approximately represented on the accompanying diagram, be, and the same is hereby, withdrawn from sale and settlement and set apart for the use and occupancy of the Pima and Maricopa Indians: *Provided, however*, That any tract or tracts of land included within the foregoing-described boundaries the title of which has passed out of the United States Government, or to which valid homestead or pre-emption rights have attached under the laws of the United States prior to the date of this order, are hereby excluded from the reservation hereby made.

CHESTER A. ARTHUR.

Salt River Reserve.

(See Pima and Maricopa or Gila River Res., Ex. order June 14, 1879, ante p. 806.)

Suppai (Havasupai) Reserve.

[Occupied by Suppai [Havasupai] tribe; area, 60 square miles.]

EXECUTIVE MANSION, *June 8, 1880.*

It is hereby ordered that the following-described country, lying within the boundaries of the Territory of Arizona, viz, beginning at a point in the middle of Cataract Creek, 2 miles below the lowest fall, south of the settlement of the Suppai Indians; thence due east 2½ miles; thence in a northerly direction 12 miles to a point 2½ miles due east of the middle of said creek; thence due west 5 miles; thence in a southerly direction 12 miles to a point 2½ miles due west of the middle of said creek; thence due east 2½ miles to the place of beginning, to embrace the settlements and improvements of the Suppai Indians, be, and the same is hereby, withdrawn from sale and settlement, and set apart for the use and occupancy of said Suppai Indians.

R. B. HAYES.

EXECUTIVE MANSION, *November* 23, 1880.

It is hereby ordered that the following described country, lying within the boundaries of the Territory of Arizona, viz:

Beginning at a point in the middle of Cataract Creek, 2 miles below the lowest fall north of the settlement of the Suppai Indians; thence due east 2½ miles; thence in a southerly direction 12 miles to a point 2½ miles due east of the middle of said creek; thence due west 5 miles; thence in a northerly direction 12 miles to a point 2½ miles due west of the middle of said creek; thence due east 2½ miles to the place of beginning, to embrace the settlements and improvements of the Suppai Indians, be, and the same is hereby, withdrawn from sale and settlement, and set apart for the use and occupancy of said Suppai Indians, and the Executive order dated June 8, 1880, withdrawing from sale and setting apart a reservation for said Indians, is hereby revoked.

R. B. HAYES.

EXECUTIVE MANSION, *March 31, 1882.*

It is hereby ordered that the following-described country lying within the boundaries of the Territory of Arizona, viz, so much of the bottom land of the cañon of Cataract Creek, bounded by walls of red sand-stone on the east and west, as is included within certain lines, viz, on the south, an east and west line (magnetic) crossing said cañon at a narrow pass marked by a monument of stone, placed in the summer of 1881, by Lieut. Carl Palfrey, of the Corps of Engineers of the Army, about 2 miles above the village of the Yavai Suppai Indians, and on the north, a line bearing N. 55° E. (magnetic) crossing said cañon at the crest of the third falls of Cataract Creek, and marked by Lieutenant Palfrey, by two monuments of stone, one on each side of the stream, be, and the same is hereby, withdrawn from sale and settlement, and set apart for the use and occupancy of said Yavai Suppai Indians, and the Executive order dated November 23, 1880, withdrawing from sale and settlement and setting apart a reservation for said Indians, is hereby revoked.

CHESTER A. ARTHUR.

Walapai Reserve.

(See Hualapai.)

White Mountain or San Carlos Reserve.

[Formerly called White Mountain or Camp Apache Reserve. Occupied by Arivaipa, Chilion, Chiricahua, Coyotero, Membreno, Mogollon, Mohave, Pinal, San Carlos, Tonto, and Yuma-Apache tribes; area 2,866 square miles; established by Executive orders, acts of February 20, 1893 (27 Stat., 469), and June 10, 1896 (29 Stat., 358).]

ENGINEERS'S OFFICE,
HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
San Francisco, Cal., January 31, 1870.

SIR: I respectfully forward the following description of the proposed Indian reservation in Arizona; the boundaries of the reservation to be as follows, as shown in red on the accompanying map: Starting at the point of intersection of the boundary between New Mexico and Arizona with the south edge of the Black Mesa, and following the southern edge of the Black Mesa, to a point due north of Sombrero or Plumoso Butte; then in the direction of the Picache Colorado to the crest of the Apache Mountains, following said crest down the Salt River to Pinal Creek, and then up the Pinal Creek to the top of the Pinal Mountains; then following the crest of the Pinal range, "the Cordilleras de la Gila," the "Almagra Mountains," and other mountains bordering the north bank of the Gila River, to the New Mexican boundary near Steeple Rock; then following said boundary north to its intersection with the south edge of the Black Mesa, the starting-point.

H. M. ROBERT,
Major Engineers.

General W. D. WHIPPLE,
Adjutant-General Military Division of the Pacific.

DEPARTMENT OF THE INTERIOR,
BOARD OF INDIAN COMMISSIONERS,
Camp Apache, Arizona Territory, September 5, 1871.

SIR: As the White Mountain region has been set apart by the War Department as an Indian reservation, and there are several bands of peaceably disposed Apaches, who have for many years lived in this country, who can not be removed without much suffering to themselves, risk of war and expense to the Government, I have concluded to select the White Mountain Reservation, the boundaries of which were defined in letter of H. M. Robert, major of Engineers, dated Headquarters Military Division of the Pacific, San Francisco, Cal., January 31, 1870, as one of the Indian reservations upon which the Apache Indians of Arizona may be collected, fed, clothed, and otherwise provided for and protected, agreeable to the power conferred upon me at the suggestion of the President by the honorable Secretary of the Interior, under date July 21, 1871, and supplementary orders July 31, 1871, copies of which are herewith inclosed.

Agreeable to your wish that I should name the articles and amount of provisions to be issued, I would suggest that one pound of beef and one pound of corn per capita be issued with salt daily, and sugar and coffee occasionally.

Very respectfully, your obedient servant,

VINCENT COLYER, *Commissioner.*

Lieut. Col. JOHN GREEN,
First Cavalry U. S. A., Commanding
Camp Apache, Arizona Territory.

DEPARTMENT OF THE INTERIOR,
BOARD OF INDIAN COMMISSIONERS,
Washington, D. C., November 7, 1871.

SIR: Reservations for the roving Apache Indians of New Mexico and Arizona were selected under your instructions of 21st July, 1871, as follows:

For the Mimbres and Coyoteros at Tularosa Valley,[a] in New Mexico. (See accompanying paper A.)

For the Coyoteros and Chiloccos of Arizona, at Camp Apache, in White Mountains, Arizona. (See Appendix B.)

For the Arrivapis and Pinals, at Camp Grant, Arizona. (See Appendix C and accompanying map.)

For the Mohave Apaches, at Camp Verde, Arizona. (See Appendix D.)

A detailed description of the Camp Apache Reservation, which was established by Major-General Thomas, will be found on file in the War Department.

I also requested, with the advice of General Crook and the several post commanders, that temporary asylums, where the Tontos, Hualapais, and Western band of Apache Mohaves might be protected and fed, should be established at Camp McDowell, Beal Spring, and Date Creek, until such times as the Indians collected there could be removed to the above reservations.

Very respectfully, etc.,

VINCENT COLYER.

Hon. C. DELANO,
Secretary of the Interior, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 7, 1871.

SIR: I have the honor to transmit herewith a copy of a communication addressed to this Department by the Hon. Vincent Colyer, one of the board of Indian peace commissioners who recently visited Arizona, wherein he states his views in relation to the Apache Indians, and describes certain tracts of country in Arizona and New Mexico which, during his recent visit to said Indians, he has selected to be set apart as reservations for their use, as authorized to do by orders issued to him before visiting the Apaches.

I have the honor to recommend, in pursuance of the understanding arrived at in our conversation with the Secretary of War on the 6th instant, that the President issue an order authorizing said tracts of country described in Mr. Colyer's letter to be regarded as reservations for the settlement of Indians until it is otherwise ordered. * * *

I would further suggest that the War Department will, for the present, select some suitable and discreet officer of the Army to act as Indian agent for any of the reservations in Arizona which may be occupied by the Indians, under the order herein contemplated. Such agents will be superseded by persons hereafter appointed by this Department, at such times as the President may hereafter deem proper.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

The PRESIDENT.

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[a] For the Executive order setting apart Tularosa Valley Reserve see New Mexico, post page 878.

These recommendations were approved by the President as follows:

EXECUTIVE MANSION,
Washington, D. C., November 9, 1871.

Respectfully referred to the Secretary of War, who will take such action as may be necessary to carry out the recommendations of the Secretary of the Interior.

U. S. GRANT.

And indorsed by General Sherman thus:

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., November 9, 1871.

GENERAL: I now inclose you copies of a correspondence between the Secretary of the Interior and War Department on the subject of the policy that is to prevail in Arizona with the Apache Indians. The Secretary of War wishes you to give all the necessary orders to carry into full effect this policy, which is the same that prevails in the Indian country generally, viz: to fix and determine (usually with the assent expressed or implied of the Indians concerned) the reservation within which they may live and be protected by all branches of the Executive Government; but if they wander outside they at once become objects of suspicion, liable to be attacked by the troops as hostile. The three reservations referred to in these papers, and more particularly defined in the accompanying map, seem far enough removed from the white settlements to avoid the dangers of collision of interest. At all events these Indians must have a chance to escape war, and the most natural way is to assign them to homes and to compel them to remain thereon. While they remain on such reservations there is an implied condition that they should not be permitted to starve, and our experience is that the Indian Bureau is rarely supplied with the necessary money to provide food, in which event you may authorize the commissary department to provide for them, being careful to confine issues only to those acting in good faith, and only for absolute wants.

The commanding officer of the nearest military post will be the proper person to act as the Indian agent until the regular agents come provided with the necessary authority and funds to relieve them; but you may yourself, or allow General Crook to appoint these temporary agents regardless of rank.

The citizens of Arizona should be publicly informed of these events, and that the military have the command of the President to protect these Indians on their reservations, and that under no pretense must they invade them, except under the leadership of the commanding officer having charge of them.

The boundaries of these reservations should also be clearly defined, and any changes in them suggested by experience should be reported, to the end that they may be modified or changed by the highest authority.

After general notice to Indians and whites of this policy, General Crook may feel assured that whatever measures of severity he may adopt to reduce these Apaches to a peaceful and subordinate condition will be approved by the War Department and the President.

I am, your obedient servant,

W. T. SHERMAN, *General.*

Gen. J. M. SCHOFIELD,
Commanding Military Division Pacific.

EXECUTIVE MANSION, *December 14, 1872.*

It is hereby ordered that the following tract of country be, and the same is hereby, withheld from sale and set apart as a reservation for certain Apache Indians in the Territory of Arizona, to be known as the "Chiricahua Indian Reservation," viz:

Beginning at Dragoon Springs, near Dragoon Pass, and running thence northeasterly along the north base of the Chiricahua Mountains to a point on the summit of Peloncillo Mountains or Stevens Peak range; thence running southeasterly along said range through Stevens Peak to the boundary of New Mexico; thence running south to the boundary of Mexico; thence running westerly along said boundary 55 miles; thence running northerly, following substantially the western base of the Dragoon Mountains, to the place of beginning.

It is also hereby ordered that the reservation heretofore set apart for certain Apache Indians in the said Territory, known as the "Camp Grant Indian Reservation," be, and the same in hereby, restored to the public domain.

It is also ordered that the following tract of country be, and the same is hereby, withheld from sale and added to the White Mountain Indian Reservation in said Territory, which addition shall hereafter be known as the "San Carlos division of the White Mountain Indian Reservation," viz:

Commencing at the southeast corner of the White Mountain Reservation as now established, and running thence south to a line 15 miles south of and parallel to the Gila River; thence west along said line to a point due south of the southwest corner of the present White Mountain Reservation; thence north to the said southwest corner of the aforesaid White Mountain Reservation, and thence along the southern boundary of the same to the place of beginning; the said addition to be known as the "San Carlos division of the White Mountain Reservation," which will make the entire boundary of the White Mountain Reserve as follows, viz:

Starting at the point of intersection of the boundary between New Mexico and Arizona with the south edge of the Black Mesa, and following the southern edge of the Black Mesa to a point due north of Sombrero or Plumoso Butte; thence due south to said Sombrero or Plumoso Butte; thence in the direction of the Piache Colorado to the crest of the Apache Mountains, following said crest down the Salt River to Pinal Creek to the top of the Pinal Mountains; thence due south to a point 15 miles south of the Gila River; thence east with a line parallel with and 15 miles south of the Gila River to the boundary of New Mexico; thence north along said boundary line to its intersection with the south edge of the Black Mesa, the place of beginning.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 30, 1873.

Respectfully submitted to the President, with the recommendation that all that portion of the valley of the Gila River in the Territory of Arizona hitherto included in the San Carlos division of the White Mountain Indian Reservation as established by Executive order dated December 14, 1872, lying east of and above the site of old Camp Goodwin, be restored to the public domain, as recommended by the Acting Commissioner of Indian Affairs.

B. R. COWAN, *Acting Secretary.*

EXECUTIVE MANSION, *August 5, 1873.*

Agreeable to the above recommendation of the Acting Secretary of the Interior, it is hereby ordered that the land therein described be restored to the public domain.

U. S. GRANT.

EXECUTIVE MANSION, *July 21, 1874.*

It is hereby ordered that all that portion of the White Mountain Indian Reservation in Arizona Territory lying east of 109 degrees 30 minutes west longitude be restored to the public domain.

U. S. GRANT.

EXECUTIVE MANSION, *April 27, 1876.*

It is hereby ordered that all that portion of the White Mountain Indian Reservation in Arizona Territory lying west of the following-described line, viz: Commencing at the northwest corner of the present reserve, a point at the southern edge of the Black Mesas, due north of Sombrero or Plumoso Butte; thence due south to said Sombrero or Plumoso Butte; thence southeastwardly to Chromo Peak; thence in a southerly direction to the mouth of the San Pedro River; thence due south to the southern boundary of the reservation, be, and the same hereby is, restored to the public domain.

U. S. GRANT.

EXECUTIVE MANSION, *October 30, 1876.*

It is hereby ordered that the order of December 14, 1872, setting apart the following-described lands in the Territory of Arizona as a reservation for certain Apache Indians, viz, beginning at Dragoon Springs, near Dragoon Pass, and running thence northeasterly along the north base of the Chiricahua Mountains to a point on the summit of Peloncillo Mountains, or Stevens Peak Range; thence running southeasterly along said range through Stevens Peak to the boundary of New Mexico; thence running south to the boundary of Mexico; thence running westerly along said boundary 56 miles; thence running northerly, following substantially the western base of the Dragoon Mountains, to the place of beginning, be, and the same is hereby, canceled, and said lands are restored to the public domain.

U. S. GRANT.

EXECUTIVE MANSION, *January 26, 1877.*

It is hereby ordered that all that portion of the White Mountain Indian Reservation in Arizona Territory lying within the following-described boundaries, viz: Commencing at a point known as corner I of survey made by Lieut. E. D. Thomas, Fifth Cavalry, in March, 1876, situated northeast of, and 313 chains from, flag-staff of Camp Apache, magnetic variation 13 degrees 48 minutes east; thence south 68 degrees 34 minutes west, 360 chains, to corner II, post in monument of stones, variation 13 degrees 45 minutes east; thence south 7 degrees 5 minutes west, 240 chains, to corner III, post in monument of stones, variation 13 degrees 43 minutes east; thence north 68 degrees 34 minutes east, 360 chains, to corner IV, post in monument of stones, magnetic variation 13 degrees 42 minutes east; thence north 7 degrees 15 minutes east, 240 chains, to place of beginning, comprising 7,421.14 acres, be restored to the public domain.

U. S. GRANT.

EXECUTIVE MANSION, *March 31, 1877.*

It is hereby ordered that all that portion of the White Mountain Indian Reservation in the Territory of Arizona lying within the following-described boundaries be, and the same hereby is, restored to the public domain, to wit: Commencing at a point at the south bank of the Gila River where the San Pedro empties in the same; thence up and along the south bank of said Gila River 10 miles; thence due south to the southern boundary of the said reservation; thence along the southern boundary to the western boundary thereof; thence up said western boundary to the place of beginning.

R. B. HAYES.

Yuma Reserve.

(For order relating to Yuma Reserve in Arizona, see California, post page 831.)

CALIFORNIA.

Hoopa Valley Reserve.

[Occupied by Hunsatung, Hupa, Klamath River, Miskeet, Redwood, Saias, Sermolton, and Tishlanaton tribes; area, 155 square miles; established by act of April 8, 1864 (13 Stat., 39), and Executive orders.]

By virtue of power vested in me by an act of Congress approved April 8, 1864, and acting under instructions from the Interior Department, dated at Washington City, D. C., April 26, 1864, concerning the location of four tracts of land for Indian reservations in the State of California, I do hereby proclaim and make known to all concerned that I have this day located an Indian reservation, to be known and called by the name and title of the Hoopa Valley Reservation, said reservation being situated on the Trinity River, in Klamath County, California, to be described by such metes and bounds as may hereafter be established by order of the Interior Department, subject to the approval of the President of the United States. Settlers in Hoopa Valley are hereby notified not to make any further improvements upon their places, as they will be appraised and purchased as soon as the Interior Department may direct.

AUSTIN WILEY,
Superintendent Indian Affairs for the State of California.

FORT GASTON, CAL., *August 21, 1864.*

EXECUTIVE MANSION, *June 23, 1876.*

It is hereby ordered that the south and west boundaries and that portion of the north boundary west of Trinity River surveyed, in 1875, by C. T. Bissel, and the courses and distances of the east boundary, and that portion of the north boundary east of Trinity River reported but not surveyed by him, viz: "Beginning at the southeast corner of the reservation at a post set in mound of rocks, marked 'H. V. R., No. 3'; thence south 17¾ degrees west, 905.15 chains, to southeast corner of reservation; thence south 72¼ degrees west, 480 chains, to the mouth of Trinity River," be, and hereby are, declared to be the exterior boundaries of Hoopa Valley Indian Reservation, and the land embraced therein, an area of 89,572.43 acres, be, and hereby is, withdrawn from public sale, and set apart for Indian purposes, as one of the Indian reservations authorized to be set apart, in California, by act of Congress approved April 8, 1864. (13 Stats., p. 39.)

U. S. GRANT.

EXECUTIVE MANSION, *October 16, 1891.*

It is hereby ordered that the limits of the Hoopa Valley Reservation in the state of California, a reservation duly set apart for Indian purposes, as one of the Indian reservations authorized to be set apart, in said State, by Act of Congress approved Apri l8, 1864, (13 Stats., 39), be and the same are hereby extended so as to include a tract of country one mile in width on each side of the Klamath River, and extending from the present limits of the said Hoopa Valley reservation to the Pacific Ocean; *Provided, however,* That any tract or tracts included within the above described boundaries to which valid rights have attached under the laws of the United States are hereby excluded from the reservation as hereby extended.

BENJ. HARRISON.

Klamath River Reserve.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, November 10, 1855.

SIR: Referring to your communication of the 8th of August last to the Acting Commissioner of Indian Affairs, advising him of the approval by the President of the United States of the recommendation of the Department that it was expedient to expend the money appropriated on the 3rd of March last for removing the Indians in California to two additional military reservations, I have the honor now to make the following report:

On the 15th of August last the Acting Commissioner inclosed a copy of your letter of the 8th of that month to the superintendent of Indian affairs in California, with directions to select these reservations from such "tracts of land adapted as to soil, climate, water-privileges, and timber, to the comfortable and permanent accommodation of the Indians, which tracts should be unincumbered by old Spanish grants or claims of recent white settlers," limiting the dimensions of the reserves to within 25,000 acres each, and to report to this office a description of their geographical position in relation to streams, mountain ranges, and county lines, etc., and indicating the same upon a map. A copy of that letter is herewith, marked A. By the last mail from California, I have received from Superintendent Thomas I. Henley a report upon this subject, dated the 4th ultimo (a copy of which is herewith, marked B), by which it appears he recommends as one of the reservations aforesaid "a strip of territory one mile in width on each side of the (Klamath) river, for a distance of 20 miles." The superintendent remarks upon the character of the country selected, and incloses an extract from a report (also herewith, marked C) to him of the 19th of June last, by Mr. S. G. Whipple, which contains in some detail a description of the country selected, habits and usages of the Indians, etc., but no map is furnished.

It will be observed from this report of the superintendent that he has deemed it important to continue the employ of an agent and to prepare for raising a crop in order to assure the Indians of the good faith of the Government and to preserve the peace of the country. Considering the great distance of this reserve from the seat of Government and the length of time it necessarily requires to communicate with an agency at the Klamath, it is desirable that some definite action be taken, if practicable, before the sailing of the next steamer, to leave New York on the 20th instant.

I, therefore, beg leave to ask your attention to the subject, and if you shall be of the opinion from the representations made by the superintendent in California and Mr. Whipple that the selection at the mouth of the Klamath River is a judicious and proper one, that it be laid before the President of the United States for his approval, but with the provision, however, that upon a survey of the tract selected that a sufficient quantity be cut off from the upper end of the proposed reserve to bring it within the limitation of 25,000 acres, authorized by the act of 3d March last.

I also inclose herewith a copy of another letter from Superintendent Henley, of 4th ultimo (marked D), in which he states, in relation to the other reserve, that it is intended to locate it "between the headwaters of Russian River and Cape Mendocino." In reference to both of these proposed reserves, and as connected with the means to be used to maintain peacable relations with the Indians, the superintendent is of opinion that it is of great importance to provide for crops, and that to do so an agent in each instance is necessary. As this last-named selection has not been defined by any specific boundaries, and no sufficient description is given as to soil, climate, and suitableness for Indian purposes, to enable the Department to determine the matter understandingly, of course nothing definite can now be done. But it may not be improper to consider the subject in connection with the general intent as to the particular locality in which it is proposed to make the location.

The reserve proposed on the Klamath River and Pacific coast does not appear from the map of the State of California to be very far removed from Cape Mendocino, or a point between that and Russian River; and as provision is made only for two reserves in the State other than those already in operation, the question arises whether it should not be situated farther in the interior, or perhaps eastern part of the State, than the point referred to. The Noome Lacke Reserve is situated in one of the Sacramento valleys, at about the latitude of 40 degrees north and 122 degrees of longitude west, about the center of that portion of the State north of the port of San Francisco. As, therefore, the proposed Klamath Reserve, being northwest from the Noome Lacke Reservation, would appear to be adapted to the convenient use of the Indians in that direction, the question is suggested whether the other reserve should not be located farther east and north, say on the tributaries of either Pitt or Feather Rivers. As in the case of the proposed reserve of the Klamath, I am desirous of obtaining your opinion and that of the President of the United States, with such decision as may be arrived at under the circumstances, in season to communicate the same by the next California mail, for the government of the action of superintendent Henley.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Commissioner.

Hon. R. MCCLELLAND,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 12, 1855.

SIR: I have the honor to submit herewith the report from the Commissioner of Indian Affairs of the 10th instant, and its accompanying papers, having relation to two of the reservations in California for Indian purposes, authorized by the act of 3d March last.

The precise limits of but one of the reservations, viz, a strip of territory commencing at the Pacific Ocean and extending 1 mile in width on each side of the Klamath River, are given, no sufficient data being furnished to justify any definite action on the other.

I recommend your approval of the proposed Klamath Reservation, with the provision, however, that upon a survey of the tract a sufficient quantity be cut off from the upper end thereof to bring it within the limit of 25,000 acres authorized by law.

Respectfully, your obedient servant,

R. MCCLELLAND,
Secretary.

The PRESIDENT.

Let the reservation be made, as proposed.

FRANKLIN PIERCE.

NOVEMBER 16, 1855.

Mendocino Reserve.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, April 16, 1856.

SIR: Referring to the report I had the honor to submit for your consideration on the 10th of November last, relative to the establishment of a military reservation for the benefit of the Indians of northern California, upon both sides of the Klamath River, from its mouth the distance of 20 miles up the same; and to the remarks then made upon the subject of establishing a third similar reservation as proposed by the superintendent of Indian affairs in California, at Cape Mendocino, or at some point between that place and Russian River, or, as appeared to this office at that time more expedient, farther in the interior and easterly part of the State, I have now respectfully to call your attention again to the subject, and to submit for your consideration the following documents:

* * * * * * *

From these documents it appears that the section between the Noyo River on the south and Bee-da-loe or Hale Creek on the north, extending from the coast on the west to the Coast Mountains, combines advantages which are not to be found in any of the other locations examined, reference being had to the purposes for which it is required and to the habits and necessities of the Indians.

* * * * * * *

The tract intended for the reservation lies between the south bank of the Noyo River, so as to include that river, and a point 1 mile north of the mouth of Hale or Bee-da-loe Creek, extending eastward from the coast for quantity so as to include the valleys beyond the first range of hills to the Coast Mountains, conforming to their shape. Its geographical position is in Mendocino County, about 170 miles from San Francisco, and 80 miles south of Cape Mendocino, 70 miles northwest of Clear Lake, and about 180 miles from Sacramento City.

It is proposed to embrace within the limits of the reservation 25,000 acres of land.

* * * * * * *

If upon an investigation of the subject you shall come to a similar conclusion, I have respectfully to request that the proposition may be laid before the President of the United States for his approval, and that the superintendent may be enabled to carry out with him, on his return to his post by the steamer of the 20th instant, such decision as may be made in the premises.

Very respectfully, your obedient servant,

GEORGE W. MANYPENNY, *Commissioner.*

Hon. R. McCLELLAND,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, April 17, 1856.

SIR: I have the honor to submit herewith a report from the Commissioner of Indian Affairs of the 16th instant, and accompanying papers, in relation to the establishment of a military reserve of land for Indians in California, authorized by act of Congress of the 3d of March, 1855.

The tract of country, containing about 25,000 acres, proposed to be selected, is in Mendocino County, and fully described in the papers accompanying the Commissioner's report.

Concurring with the Commissioner in his views of the matter, I recommend your approval of the proposed reservation.

I am, sir, with great respect, your obedient servant,

R. McCLELLAND, *Secretary.*

To the PRESIDENT.

[Indorsement on Commissioner's report.]

MAY 22, 1856.

Let the proposed reservation within referred to be made as recommended in letter of Secretary of the Interior of April 17, 1856.

FR. PIERCE.

(Restored to the public domain by the sixth section of the act of Congress approved July 27, 1868, 15 Stats., 223.)

Mission Indian Reserves.

[In the Mission Tule Agency; twenty-two reserves; occupied by the Dieguenes, Kawia, San Luis Rey, Serranos, and Temecula tribes; area, 282 square miles; established by Executive orders.]

DEPARTMENT OF THE INTERIOR, *January 27, 1870.*

To the PRESIDENT:

The accompanying papers are respectfully submitted to the President, with the request that the following lands in California be set apart as reservations for the Mission Indians, in the southern portion of that State, being the San Pasqual and Pala Valleys, and recommended by the Commissioner of Indian Affairs, viz: Townships 12 and 13 south, of ranges 1 east and 1 west, of the San Bernardino meridan, and township 9 south, of ranges 1 and 2 west, of the San Bernardino meridian.

With great respect, your obedient servant,

J. D. COX, *Secretary.*

JANUARY 31, 1870.

Let the lands designated in the foregoing letter of the Secretary of the Interior be set apart as reservations for Indian purposes, as therein recommended.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 13, 1871.

SIR: I have the honor to call your attention to a report from this office, dated January 15, 1870, in which was inclosed a letter from J. B. McIntosh, Brevet Major-General U. S. Army, and superintendent of Indian affairs for California, dated December 27, 1869, and report of Lieut. A. P. Greene, U. S. Army, agent for Mission Indians in southern California, dated Los Angeles, Cal., December 16, 1869, recommending that San Pasqual and Pala Valleys in Southern California be set apart as reservations for the Mission Indians in said State.

In my report above referred to I recommend that the following-described lands should be set apart for said reservations, viz: Townships 12 and 13 south, of ranges 1 east and 1 west, and township 9 south, of ranges 1 and 2 west, of the San Bernardino meridian, California.

My recommendation meeting with the approval of the Secretary of the Interior was forwarded to the President, who, on the 31st of January, 1870, ordered that the above-designated lands should be set apart as reservations for Indian purposes.

It appears from the papers transmitted herewith that the citizens of San Diego County protest against the order of the President setting apart said lands for Indian reservations; that the Indians are unanimously opposed to going on said reservations; that citizens have made valuable improvements thereon, and that there are but few Indians on the lands set apart as aforesaid; that recent gold discoveries have attracted a large immigration thither, and the opinion of the press, together with other evidence, would indicate that it would be for the best interests and welfare of the Indians, as well as others, that the order of the President setting apart said lands for Indian purposes should be recinded.

In view of these facts, I would therefore respectfully recommend that the order of the President be revoked, and that the aforesaid reservations be again restored to the public domain.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. C. DELANO,
Secretary of the Interior.

[First indorsement.]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, February 15, 1871.

Commissioner transmits papers in reference to San Pasqual and Pala Valley Reservations in southern California, and recommends that the order of the President setting apart the same be revoked and the lands restored to the public domain.

[Second indorsement.]

DEPARTMENT OF THE INTERIOR, *February 17, 1871.*

The within recommendation of the Commissioner of Indian Affairs is respectfully submitted to the President, with the request that the order of the Executive for the restoration to the public domain of the lands referred to be given.

C. DELANO,
Secretary of the Interior.

Approved February 17, 1871.

U. S. GRANT.

EXECUTIVE MANSION, *December 27, 1875.*

It is hereby ordered that the following-described lands in the county of San Diego, Cal., viz, San Bernardino base and meridian:

Portrero.—Including Rincon, Gapich, and La Joya, township 10 south, range 1 east, sections 16, 23, 25, 26, 30, 31, 32, 33, 34, 35, 36, and fractional sections 17, 18, 19, 20, 21, 22, 27, 28, and 29;

Cahuila.—Township 7 south, range 2 east, sections 25, 26, 27, 28, 33, 34, 35, and 36; township 7 south, range 3 east, sections 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35; township 8 south, range 2 east, sections 1, 2, 3, and 4; township 8 south, range 3 east, sections 2, 3, 4, 5, and 6;

Capitan Grande.—Township 14 south, range 2 east, sections 25, 26, 27, 34, 35, and 36; township 14 south, range 3 east, sections 31 and 32; township 15 south, range 2 east, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; township 15 south, range 3 east, sections 5 and 6;

Santa Ysabel.—Including Mesa Grande, township 11 south, range 2 east, south half of section 21, northwest quarter, and east half of section 28, and sections 25, 26, and 27; township 11 south, range 3 east, sections 25, 26, 27, 28, 33, 34, 35, 36, and fractional sections 29, 30, and 32; township 12 south, range 2 east, sections 3, 10, 14, 15, and fractional section 13; township 12 south, range 3 east, sections 1, 2, 12, and fractional sections 3, 4, 10, 11, 13, and 14;

Pala.—Township 9 south, range 2 west, northeast quarter of section 33, and north half of the north half of 34;

Agua Caliente.—Township 10 south, range 3 east, southeast quarter of section 23, southwest quarter of 24, west half of 25, and east half of 26;

Sycuan.—Township 16 south, range 1 east, section 13;

Inaja.—Township 13 south, range 3 east, northeast quarter of section 35;

Cosmit.—Township 13 south, range 3 east, north half of northeast quarter of section 25, be, and the same are hereby, withdrawn from sale and set apart as reservations for the permanent use and occupancy of the Mission Indians in Lower California.

U. S. GRANT.

EXECUTIVE MANSION, *May 15, 1876.*

It is hereby ordered that the following-described lands in San Bernardino County, Cal., viz:

Portrero.—Township 2 south, range 1 east, section 36;

Mission.—Township 2 south, range 3 east, sections 12, 13, and 14;

Agua Caliente.—Township 4 south, range 4 east, section 14, and east half of southeast quarter and northeast quarter of section 22;

Torros.—Township 7 south, range 7 east, section 2;

Village.—Township 7 south, range 8 east, section 16;

Cabezons.—Township 7 south, range 9 east, section 6;

Village.—Township 5 south, range 8 east, section 19;

Village.—Township 5 south, range 7 east; section 24,

be, and the same hereby are, withdrawn from sale and set apart as reservations for the permanent use and occupancy of the Mission Indians in Southern California, in addition the selections noted and reserved under Executive order dated 27th December last.

U. S. GRANT.

EXECUTIVE MANSION, *May 3, 1877.*

It is hereby ordered that the following lands, situate in California, viz, township 10 south, range 1 east, sections 16 and 36, San Bernardino; township 7 south, range 2 east, section 36; township 14 south, range 2 east, section 36; township 11 south, range 3 east, section 36; township 9 south, range 2 west, north half of northeast quarter, section 33, being lands withdrawn from the public domain for the Mission Indians by President's order of December 27, 1875; also the following: township 2 south, range 1 east, section 36; township 7 south, range 8 east, section 16, being lands withdrawn by President's order of May 15, 1876, for the same purposes, be, and the same are hereby, restored to the public domain.

R. B. HAYES.

EXECUTIVE MANSION, *August 25, 1877.*

It is hereby ordered that the following lands in California, to wit, all the even-numbered sections and all the unsurveyed portions of township 2 south, range 1 east, township 2 south, range 2 east; township 3 south, range 1 east; and township 3 south, range 2 east, San Bernardino meridian, excepting sections 16 and 36, and excepting also all tract or tracts the title to which has passed out of the United States Government, be, and the same hereby are, withdrawn from sale and settlement, and set apart as a reservation for Indian purposes.

R. B. HAYES.

EXECUTIVE MANSION, *September 29, 1877.*

It is hereby ordered that the following-described lands in California, to wit, all the even-numbered sections, and all the unsurveyed portions of township 4 south, range 4 east; township 4 south, range 5 east; and township 5 south, range 4 east, San Bernardino meridian, excepting sections 16 and 36, and excepting also any tract or tracts the title to which has passed out of the United States Government, be, and the same hereby are, withdrawn from sale and settlement, and set apart as a reservation for Indian purposes for certain of the Mission Indians.

R. B. HAYES.

EXECUTIVE MANSION, *January 17, 1880.*

It is hereby ordered that so much of the order of December 27, 1875, as relates to the Agua Caliente Indian Reservation in California be, and the same is hereby, canceled.

It is also hereby ordered that said order of December 27, 1875, so far as the same relates to the Santa Ysabel Reservation be, and the same is hereby, canceled to the following extent, viz:

All that portion of sections numbered 25, 26, and 27, township 11 south, range 3 east, lying north of the following line, viz: beginning on the north boundary line of section 25, township 11 south, range 3 east, of San Bernardino meridian; at a point 51.59 chains west of the northeast corner of said section 25; thence according to the true meridian south 25¼ degrees west, 56.50 chains, to a granite stone marked "P," at the north side of a granite bowlder 8 feet high; thence south 74 degrees west, 84.60 chains to a black oak marked "PXXI"; thence north 56 degrees west, 52 chains to a granite stone marked "P" in stone mound; thence north 39 degrees west, 40.46 chains to a point on the north boundary of section 27; thence east along the north boundaries of sections 27, 26, and 25, of township 11 south, range 3 east, to the place of beginning.

R. B. HAYES.

EXECUTIVE MANSION, *March 2, 1881.*

It is hereby ordered that the following-described lands in California, viz:

Sections 26 and 35 in township 10 south, of range 1 west, and sections 2 and 3, in township 11 south, of range 1 west of the San Bernardino meridian be, and the same are hereby, withdrawn from sale and set apart as a reservation for the permanent use and occupancy of the Mission Indians in California: *Provided*, That this withdrawal shall not affect any existing valid adverse rights of any party.

R. B. HAYES.

EXECUTIVE MANSION, *March 9, 1881.*

It is hereby ordered that all the unsurveyed portions of township 2 south, range 1 east, San Bernardino meridian, California, excepting any tract or tracts the title to which has passed out of the United States Government, be, and the same are hereby, withdrawn from sale and settlement, and set apart as a reservation for Indian purposes.

JAMES A. GARFIELD.

EXECUTIVE MANSION, *June 27, 1882.*

It is hereby ordered that the following-described lands, situated and lying in the State of California, viz, sections numbered 26, 27, 28, 34, and 35, in township numbered 8 south, of range numbered 2 west, of the San Bernardino meridian, be, and the same hereby are, withdrawn from sale and settlement, and set apart for Indian purposes: *Provided, however,* That any tract or tracts the title to which has passed out of the United States, or to which valid, legal rights have attached under existing laws of the United States providing for the disposition of the public domain, are hereby excluded from the reservation hereby created.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *July 24, 1882.*

It is hereby ordered that the Executive order dated December 27, 1875, setting aside certain described lands in the State of California, for the use and occupancy of the Mission Indians, be, and the same hereby is, canceled so far as relates to the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 34, township 9 south, range 2 west of the San Bernardino meridian.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February 5, 1883.*

It is hereby ordered that the following lands, situate in California, viz, the southeast quarter of the northeast quarter, the north half of the southeast quarter, and the southeast quarter of the southeast quarter of section 3, township 12 south, range 2 east of San Bernardino meridian, being lands withdrawn from the public domain for the Mission Indians by Executive order of December 27, 1875, be, and the same are hereby, restored to the public domain.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June 19, 1883.*

It is hereby ordered that the following-described land, situate in the State of California, San Bernardino base and meridian, viz: Section 28, the northeast quarter of the northeast quarter, and lots 1, 2, 3, 4, and 5 of section 31; the north half, the southeast quarter, the northeast quarter of the southwest quarter, and lots 1 and 2 of section 32, and the north half of section 33, township 4 south, range 1 east; section 2; the south half of section 3, the fractional south half of section 4, the fractional north half of section 10, and the fractional northeast quarter of section 9, township 5 south, range 1 east; the east half of the southeast quarter of section 8, and the southwest quarter of the southwest quarter of section 9, township 12 south, range 2 east, and sections 10, 11, 14, 15, 22, 23, 28, and 33, township 14 south, range 2 east, be, and the same are hereby, withdrawn from sale and set apart for the permanent use and occupation of the Mission Indians in the State of California: *Provided,* That this withdrawal shall not affect any existing valid rights of any party.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January 25, 1886.*

It is hereby ordered that the Executive order dated June 27, 1882, setting aside certain described lands in the State of California for Indian purposes be, and the same is hereby, canceled, so far as it relates to lot 2 in section 28, township 8 south, range 2 west of the San Bernardino meridian.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 22, 1886.*

It is hereby ordered that the Executive order dated June 19, 1883, setting apart certain described lands in the State of California for Indian purposes be, and the same is hereby, canceled, so far as relates to east half southeast quarter, northwest quarter southeast quarter, and southwest quarter northeast quarter, and southwest quarter southeast quarter, southeast quarter southwest quarter, northeast quarter southwest quarter, and southeast quarter northwest quarter section 28, township 4 south, range 1 east, San Bernardino meridian.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 29, 1887.*

It is hereby ordered that the following-described lands in the State of California, being part of the lands restored to the public domain by Executive order dated March 22, 1886, be, and the same are hereby, withdrawn from sale and set apart for the permanent use and occupation of the Mission Indians, viz: South half of southeast quarter, and southeast quarter of northwest quarter section 28, township 4 south, range 1 east, San Bernardino meridian.

It is hereby further ordered that the following-described lands, viz: North half and southeast quarter of northeast quarter, section 28, township 4 south, range 1 east, San Bernardino meridian, California, be, and the same are hereby, restored to the public domain.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March 14, 1887.*

It is hereby ordered that the lands embraced in section 23, township 7 south, range 2 east, San Bernardino meridian, California, be, and the same hereby are, withdrawn from sale and settlement, and set apart for the use and occupation of the Mission Indians as an addition to the Coahuila reservation.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 6, 1889.*

It is hereby ordered that the following-described lands, situated and lying in the State of California, viz: Township 10 south, range 4 east, and sections 3 and 4, township 11 south, range 4 east of the San Bernardino meridian, except so much of the same as is covered by the patents issued to J. J. Warren, January 16, 1880, and to Harmon T. Helm, January 16, 1886, be, and the same are hereby, withdrawn from sale and settlement, and set apart as a reservation for the Mission Indians: *Provided, however*, That any other tract or tracts the title to which has passed out of the United States or to which valid legal rights have attached under existing laws of the United States providing for the disposition of the public domain are also hereby excepted and excluded from the reservation hereby created.

BENJ. HARRISON.

Round Valley (Nome Cult) Reserve.

[Occupied by Clear Lake, Concow, Little Lake, Nomelaki, Pit River, Potter Valley, Redwood, Wailaki, and Yuki tribes; area 50½ square miles; established by acts of April 8, 1864 (13 Stat., 39) March 3, 1873 (17 Stat., 634), and October 1, 1890 (26 Stat., 658), and Executive orders.]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, November 18, 1858.

SIR: * * * In accordance to your recommendation the Secretary of the Interior has directed that the entire Nome Cult Valley shall be retained as a reservation, and you are required immediately after the receipt of this letter to give public notice to that effect.

* * * * * * *

Very respectfully, etc.,

J. W. DENVER, *Commissioner.*

THOMAS I. HENLEY, Esq.,
Superintendent, etc., San Francisco, Cal.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, January 6, 1860.

SIR: I have to acknowledge the receipt of your letter of the 31st ultimo, inclosing a diagram indicating the public surveys in Round Valley, California, together with accompanying papers pertaining to allegations respecting an Indian reservation in that valley; and in reply to your inquiry in relation to evidence of the existence of a reserve in that locality I herewith inclose a copy of a letter from this office to late Superintendent Henley, of November 18, 1858, from which you will perceive that by order of the Secretary of the Interior the entire valley of Nome Cult, designated by you as the Round Valley, was set apart and reserved for Indian purposes, and Mr. Henley was directed to give public notice to that effect.

In regard to the alleged statement of late Superintendent Henley to Deputy Surveyor Hatch, that he had appropriated a portion of said valley for an Indian farm, but that the same had never been recognized by the Government, I would remark that said valley was selected for Indian purposes by Mr. Henley in 1856; and Special Agent S. P. Storms gave it the name of Nome Cult, under the impression that he was the first discoverer of a new valley. An Indian farm was then established at that point, under his supervision, which has been cultivated and improved at the expense of the Government from that period to the present time, and is still held for Indian use.

There is a letter on file here, dated May 7, 1858, from the then Superintendent Henley, in which he makes use of the following language in regard to the Nome Cult Farm:

"This farm seems in a prosperous condition, and bids fair, in my judgment, to become the best location for the subsistence of Indians we have yet selected."

Again, in a letter of the 28th of February last, he called attention to intrusions upon the rights of Indians in this valley, and inclosed, for the information of this office, a copy of a letter from Special Agent Storms, in charge of the "Round Valley Farm."

These facts are deemed sufficient to show that the Round Valley has been set apart and recognized by the Department for an Indian reservation, and I have to request that you will respect the same upon the books of your office, and notify the local office in California accordingly.

Very respectfully, your obedient servant,

A. B. GREENWOOD, *Commissioner.*

JOSEPH S. WILSON, Esq.,
Acting Commissioner General Land Office.

(June 21, 1860, the General Land Office transmitted to this office plat of a survey of the boundaries of this reserve, certified by the surveyor-general of California May 4, 1860, which showed the reserve as surveyed at that time to be situated in townships 22 and 23 north, of ranges 12 and 13 west of Mount Diablo meridian, California, and to embrace 25,030.08 acres.)

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 30, 1870.

SIR: I have the honor to transmit herewith a communication dated the 4th instant, from the Commissioner of Indian Affairs, and accompanying papers, map, etc., recommending the enlargement of Round Valley Indian Reservation in Mendocino County, California, to the extent indicated by the Commissioner, and as delineated on the said map.

I concur with the Commissioner in the opinion that the Indian service in California requires that all of "Round Valley" be reserved for Indian purposes, and have the honor to request that said valley be set apart as an Indian reservation, as the same is enlarged in accordance with the report of Superintendent McIntosh, plat, field-notes, and schedule of lands, marked A, B, and C, which are herewith inclosed.

With great respect, your obedient servant,

J. D. COX, *Secretary.*

To the PRESIDENT.

[Inclosure B.]

OFFICE OF THE SUPERINTENDENT
OF INDIAN AFFAIRS, CALIFORNIA,
San Francisco, February 18, 1870.

SIR: I have the honor to inclose to you the field-notes of the recent survey of the Round Valley Indian Reservation. I also forward a proposed description of lands to be set apart for an Indian reservation at Round Valley, Mendocino County, California.

* * * * * * *

I am, sir, very respectfully, your obedient servant,

J. B. MCINTOSH,
Bvt. Maj. Gen. U. S. A., Supt. of Indian Affairs.

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

[Inclosure C.]

Proposed description of lands to be reserved for Indian purposes in Round Valley, Mendocino County, California.

All that piece or tract of land situated in Round Valley, Mendocino County, California, being a portion of the four townships hereinafter mentioned, namely:

Townships 22 and 23 north, range 12 west, and 22 and 23 north, range 13 west, Mount Diablo meridian, and contained within the boundaries hereinafter described.

Beginning at a white-oak post the southeast corner section 23, township 23 north, range 13 west, Mount Diablo meridian; thence south 72 degrees 22 minutes west for 5,330 feet (magnetic variation 17 degrees 38 minutes east), to a white-oak post; thence south for 3,154 feet, to a white-oak post in stone mound; thence south 23 degrees east for 2,073 feet, to a white-oak post; thence south 7 degrees 35 minutes east for 4,491 feet, to a white-oak post; thence south 37 degrees 25 minutes east for 13,324 feet, to a white-oak post in rock mound; thence south 41 degrees 40 minutes east for 4,763 feet, to an oak post in rock mound; thence south 71 degrees 20 minutes east for 2,845 feet, to an oak post; thence south 20 degrees 30 minutes east for 4,098 feet, to black-oak tree blazed on four sides 4 feet from the ground; thence south 80 degrees 15 minutes east for 2,730 feet, to a pine tree 100 feet in height, bushy top, blazed as above; thence south 53 degrees 10 minutes east for 937 feet, to a pine tree 20 inches in diameter, forked 10 feet above ground, blazed as above; thence south 45 degrees 10 minutes east for 2,333 feet, to a black-oak tree 30 inches in diameter, blazed as above; thence south 72 degrees 58 minutes east for 9,120 feet, to an oak post on high knoll; thence north 39 degrees 33 minutes east for 4,627 feet, to a white-oak tree 30 inches in diameter, blazed as above; thence north 28 degrees 30 minutes east for 2,485 feet, to a pine tree 30 inches in diameter, blazed as above; thence north 16 degrees 42 minutes east for 3,209 feet, to a black-oak tree 32 inches in diameter, and blazed as above; thence north 51 degrees 40 minutes east for 3,797 feet, to a white-oak tree 15 inches in diameter, and blazed as above; thence north 23 degrees 32 minutes east for 3,053 feet, to a white-oak tree 10 inches in diameter, and blazed as above; thence north 7 degrees 35 minutes east for 6,150 feet, to a white-oak tree 20 inches in diameter, and blazed as above; thence north 48 degrees 40 minutes east for 1,088 feet, to a pine tree 30 inches in diameter, and blazed as above; thence north 15 degrees east for 719 feet, to a pine tree 20 inches in diameter, and blazed as above; thence north 71 degrees 25 minutes east for 962 feet, to a forked black-oak 20 inches in diameter, and blazed as above; thence north 15 minutes east for 13,930 feet, to a white-oak 30 inches in diameter, and blazed as above; thence north 53 degrees 45 minutes west for 1,678 feet to a pine tree 15 inches in diameter, and blazed as above; thence north 45 degrees 25 minutes west for 4,616 feet, to a white-oak tree 40 inches in diameter, and blazed as above; thence north 76 degrees 55 minutes west for 3,985 feet, to a white-oak tree 22 inches in diameter, and blazed as above; thence north 81 degrees 45 minutes west for 5,670 feet, to a black-oak tree, 20 inches in diameter, and blazed as above; thence north 89 degrees 15 minutes west for 1,874 feet, to a pine tree 35 inches in diameter, and blazed as above; thence north 83 degrees 15 minutes west for 849 feet, to a pine tree 40 inches in diameter, and blazed as above; thence north 71 degrees 15 minutes west for 1,257 feet, to a pine tree 30 inches in diameter, and blazed as above; thence north 60 degrees 40 minutes west for 1,337 feet, to a pine tree 28 inches in diameter, and blazed as above; thence north 52 degrees 25 minutes west for 1,530 feet, to a pine tree 30 inches in diameter, and blazed as above; thence north 64 degrees 40 minutes west for 5,525 feet, to a pine tree 35 inches in diameter, and blazed as above; thence south 78 degrees 30 minutes west for 604 feet, to a pine tree 30 inches in diameter, and blazed as above; thence north 84 degrees 35 minutes west for 3,357 feet, to a pine tree 9 inches in diameter, and blazed as above; thence north 71 degrees 40 minutes west for 3,103 feet, to a pine tree 40 inches in diameter, and near a bowlder, and blazed as above; thence north 87 degrees 35 minutes west for 4,482 feet to a black-oak tree 40 inches in diameter, and blazed as above; thence south 66 degrees 20 minutes west for 2,423 feet, to a pine tree 60 inches in diameter, and blazed as above; thence south 3 degrees 37 minutes east for 3,814 feet, to a manderone tree 40 inches in diameter, and blazed as above; thence south 34 degrees 10 minutes west for 9,170 feet, to a white-oak tree 30 inches in diameter, and blazed as above; thence south 23 degrees 10 minutes west for 1,768 feet, to a white-oak tree 50 inches in diameter, and blazed as above; thence south 16 degrees 50 minutes west for 734 feet, to a pine tree 40 inches in diameter, and blazed as above; thence south 35 degrees 40 minutes west for 993 feet, to a double pine tree 60 inches by 25 inches at but, and blazed as above; thence south 25 minutes west for 409 feet, to a pine tree 32 inches in diameter, and blazed as above; thence south 61 degrees 15 minutes east for 1,046 feet, to a pine tree 40 inches in diameter, and blazed as above; thence north 48 degrees 14 minutes east for 1,347 feet, to a white-oak tree 30 inches in diameter, and blazed as above; thence north 41 degrees 50 minutes east for 1,043 feet, to a white-oak tree 25 inches in diameter, and blazed as above; thence north 32 degrees 40 minutes east for 735 feet to point of beginning.

The total length of said boundary being 31 miles 1,039 feet, and including an area of 31,683 acres; said tract of land being more minutely described in the field-notes and plat of the survey of said tract executed in December, 1869, and January, 1870, under the superintendence of Bvt. Maj. Gen. John B. McIntosh, U. S. Army, by Bvt. Second Lieut. R. U. Vasaro, Corps of Engineers, U. S. Army.

WASHINGTON, D. C., *March 30, 1870.*

I hereby order that "Round Valley," in Mendocino County, Cal., be set apart as an Indian reservation, in accordance with the recommendation of the Secretary of the Interior, as the same is delineated on the map accompanying his letter of the 30th March, 1870.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, March 29, 1873.

SIR: I have the honor to invite your attention to the terms of an act of Congress approved March 3, 1873, entitled "An act to restore a part of the Round Valley Indian Reservation in California to the public lands, and for other purposes."

Section 2 of said act provides "that said township line between townships 22 and 23 north, extending from the middle fork of Eel River on the east to Eel River on the west, shall hereafter be the southern boundary of the Indian reservation in Round Valley, and the center of the middle fork of Eel River shall be the eastern boundary, and the center of Eel River shall be the western boundary of said reservation, with the privilege of fishing in said streams."

Section 3 of the same act further provides "that immediately after the passage of this act the President shall cause to be withdrawn from sale or entry under the homestead and pre-emption laws all the land lying north of the southern boundary of the reservation as herein defined, and bounded north by the Eel River and the north fork of said river, east by the middle fork, and west by Eel River." * * *

In compliance with the provisions of said act, I have the honor to recommend that the President be requested to issue his order, directing that the tract of country described in said section 3 thereof be withdrawn, and reserved from sale or entry as public lands until after the report of the commissioners appointed to fix the northern boundary of said reservation shall have been received and approved.

Very respectfully, your obedient servant,

H. R. CLUM, *Acting Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 8, 1873.

SIR: I have the honor to hand you herewith a letter dated the 29th ultimo, from the Acting Commissioner of Indian Affairs, wherein it is recommended that an order be issued by the Executive, directing that the tract of country described in the third section of the act approved March 3, 1873, entitled "An act to restore a part of the Round Valley Indian Reservation in California to the public lands, and for other purposes," be withdrawn and reserved from sale and entry as public land until the report of the commissioners appointed under said act to fix the northern boundary of said reservation, etc., shall have been received and action had thereon.

The recommendation of the ActingCommissioner is approved, and I have respectfully to request that an order may be issued setting apart the lands referred to for the purpose named.

I have the honor to be, sir, your obedient servant,

C. DELANO, *Secretary.*

To the PRESIDENT.

EXECUTIVE MANSION, *April 8, 1873.*

Let the lands described in the third section of the act of 3d March, 1873, for the restoration to market of a part of the Round Valley Indian Reservation in California, be withdrawn from sale and entry, as recommended in the within letter of the honorable the Secretary of the Interior of this date.

U. S. GRANT.

EXECUTIVE MANSION, *May 18, 1875.*

Whereas an act of Congress entitled "An act to restore a part of the Round Valley Indian Reservation in California to the public lands, and for other purposes," approved March 3, 1873 (Stats. at Large, vol. 17, p. 633), defines the south, east, and west boundaries of said reservation, and authorizes and directs the Secretary of the Interior to appoint a commission to report its north boundary, and said commission having made their report, which was approved by the Secretary of the Interior, August 4, 1874, I hereby order and proclaim the following as the boundaries of the Round Valley Indian Reservation in California, conformable to said act of Congress, viz:

Beginning for the same at a point in section 36, of township 23, range 12 west, Mount Diablo meridian, where the township line crosses Eel River, being at a point about 80 rods west of the southeast corner of said township and section; thence following the courses of Eel River up said stream, in the center thereof, to a point where the same is intersected by the stream known as Williams Creek or Bland Mountain Creek; thence following up the center of said creek to its extreme northern source on the ridge dividing the waters of said creek from the waters of Hall's Cañon or Creek, a tributary of the north fork of Eel River, at the foot of Bland Mountain, crossing said dividing range at a point on a line where a small white-oak tree and a cluster of arborvitæ trees are branded with the letters U. S. R.; thence in a direct line to the center of said Hall's Cañon or Creek; thence following down the center of the same to its intersection with the north fork of Eel River; thence down the center of said north fork to its intersection with the main fork; thence following up the main fork of the Eel River, in the center thereof, where the township line between townships 22 and 23 north, range 13 west, would intersect said river, if produced; thence east along said township line through ranges 13 and 12 to the place of beginning.

U. S. GRANT.

EXECUTIVE MANSION, *July 26, 1876.*

The military reservation in California known as Camp Wright, embracing the west half of section 1 and the east half of section 2, township 22 north, range 13 west, and containing 1 mile square of land, be the same more or less, having been, with its buildings, improvements, etc., relinquished by the War Department, the Executive order of April 27, 1869, creating said military reservation, is hereby revoked, and the said tract of land, with its buildings, improvements, etc., is hereby withheld from public sale, and reserved for the use and occupancy of the Indians located on the Round Valley Reservation, as an extension thereof, until otherwise ordered.

U. S. GRANT.

Smith River Reserve.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, April 9, 1862.

SIR: I have the honor to submit for your consideration a report from Agent Hanson, of February 14, and also his letter, with accompanying papers, of February 28, 1862, relative to the destruction by flood of the Klamath Reservation in California, and the selection of a new reservation in the Smith River Valley, with a map thereof as submitted by him.

The report having already been submitted to the Senate Committee on Indian Affairs, and understood to meet their approval, I would respectfully recommend, should it meet with your concurrence, that the President be requested to cause such portions of the proposed reservation as have been proclaimed for sale, and are not included in the purchases made by Agent Hanson from individuals, to be withdrawn from sale, and that the local land office be instructed to respect the same as an Indian reservation until otherwise ordered.

Very respectfully, your obedient servant,

WM. P. DOLE, *Commissioner.*

Hon. CALEB B. SMITH,
Secretary of the Interior.

[Indorsement.]

The lands embraced in the proposed reservation may be withdrawn from sale for the present.

C. B. SMITH.

MAY 3, 1862.

(The lands referred to were in townships 17, 18, and 19, lying upon the Pacific Ocean, in Del Norte County.)

This reserve was discontinued by act of Congress approved July 27, 1868 (15 Stats., 221).

Tule River Reserve.

[In Mission Tule Agency; occupied by Kawia, Kings River, Monache, Tehon, Tule, and Wichumni tribes; area 76 square miles; established by Executive orders.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 9, 1873.

SIR: I have the honor to submit herewith a letter from the Acting Commissioner of Indian Affairs, dated the 3d instant, requesting the setting apart for the use of the Tule River, King's River, Owen's River, Manche Cajon, and other scattering bands of Indians in California a tract of land described as follows: Commencing on the South Tule River, 4 miles below the Soda Springs on said river, running thence north to the ridge of mountains dividing the waters of the South Tule and Middle Tule; thence east on the dividing line 10 miles; thence south to the ridge dividing the waters of South Tule River and Deer Creek; thence west on said ridge 10 miles; thence north to the place of beginning; the said described tract of country being about 10 miles long and 6 miles wide. The request of the Acting Commissioner meets the approval of this Department, and I respectfully recommend that an order be issued by the Executive setting apart the lands referred to for the purpose indicated.

I have the honor to be, your obedient servant,

B. R. COWEN, *Acting Secretary.*

To the PRESIDENT.

EXECUTIVE MANSION, *January 9, 1873.*

Let the lands described in the within letter be set apart as a reservation for the bands of Indians in California therein named, agreeably to the recommendation of the Acting Secretary of the Interior.

U. S. GRANT.

EXECUTIVE MANSION, *October 3, 1873.*

It is hereby ordered that the following tract of country be, and the same is hereby, withheld from sale and set apart as a reservation for the Tule River, King's River, Owen's River, Manche Cajon, and other scattered bands of Indians in the State of California, to be known as the "Tule River Indian Reservation," this being in lieu of the reservation set apart for those Indians by Executive order dated the 9th of January last, which is hereby canceled:

Commencing on the South Fork of the Tule River, 4 miles below the Soda Springs on said river, running thence north to the ridge of mountains dividing the waters of the North Fork and Middle Fork of the Tule River; thence on said ridge easterly, extended if necessary, to a point from which a line running due south would intersect a line running due east from the place of beginning, and at a distance of 10 miles therefrom; thence from said point, due south, to the ridge extended if necessary, dividing the waters of the South Fork of Tule River and Deer Creek; thence westerly on said ridge to a point due south of the place of beginning; thence north to the place of beginning, as indicated by red lines on above diagram.

U. S. GRANT.

EXECUTIVE MANSION, *August 3, 1878.*

It is hereby ordered that all of that portion of the Tule River Indian Reservation in California lying within the following boundary, viz: Commencing at a place where a line running due north from a point on the South Fork of the Tule River, 4 miles below the Soda Springs on said river, crosses the ridge of mountains dividing the waters of the South Fork and Middle Fork of the Tule River; thence north to the ridge of mountains dividing the waters of the North Fork and Middle Fork of Tule River; thence on said ridge easterly to a point from which a line running due south would intersect a line running due east from the place of beginning, and at a distance of 10 miles therefrom; thence from said point due south to the ridge of mountains dividing the waters of the South Fork and Middle Fork of Tule River; thence westerly on said ridge to the place of beginning, be, and the same hereby is, restored to the public domain.

R. B. HAYES.

Yuma Reserve.

[In the Mission Tule Agency; occupied by Yuma-Apache tribe; area, 74½ square miles; established by Executive order and act of August 15, 1894 (28 Stat., 332).]

EXECUTIVE MANSION, *July 6, 1883.*

It is hereby ordered that the following-described tract of country in the Territory of Arizona, viz, beginning at a point in the channel of the Colorado River, opposite the mouth of the Gila River, thence up the channel of the Gila River to the range line (when extended) between ranges 19 and 20 west of the Gila and Salt River meridian, thence north on said range line to the first standard parallel south, thence west on said parallel to the channel of the Colorado River, thence down the channel of said river to the place of beginning, be, and the same is hereby, withdrawn from settlement and sale and set apart as a reservation for the Yuma and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided, however*, That any tract or tracts included within the above-described boundaries to which valid rights have attached under the laws of the United States are hereby excluded from the reservation hereby made.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January 9, 1884.*

See ante, p. 542.

In lieu of an Executive order dated July 6, 1883, setting apart certain lands in the Territory of Arizona as a reservation for the Yuma Indians, which order is hereby cancelled, it is hereby ordered that the following-described tract of country in the State of California, except so much thereof as is embraced within the Fort Yuma military reservation, viz, beginning at a point in the channel of the Colorado River due east of the meander corner to sections 19 and 30, township 15 south, range 24 east, San Bernardino meridian; thence west on the line between sections 19 and 30 to the range line between townships 23 and 24 east; thence continuing west on the section line to a point which, when surveyed, will be the corner to sections 22, 23, 26, and 27, in township 15 south, range 21 east; thence south on the line between sections 26 and 27, in township 15 south, range 21 east, and continuing south on the section lines to the intersection of the international boundary, being the corner to fractional sections 34 and 35, in township 16 south, range 21 east; thence easterly on the international boundary to the middle of the channel of the Colorado River; thence up said river, in the middle of the channel thereof, to the place of beginning, be, and the same is hereby, withdrawn from settlement and sale and set apart as a reservation for the Yuma and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided, however*, That any tract or tracts included within the foregoing-described boundaries to which valid rights have attached under the laws of the United States are hereby excluded out of the reservation hereby made.

It is also hereby ordered that the Fort Yuma military reservation before mentioned be, and the same is hereby, transferred to the control of the Department of the Interior, to be used for Indian purposes in connection with the Indian reservation established by this order, said military reservation having been abandoned by the War Department for military purposes.

CHESTER A. ARTHUR.

COLORADO.

Cheyenne and Arapaho Reserve.

(For other orders relating to reserve for Cheyenne and Arapaho, see Indian Territory, post page 839.)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, January 14, 1868.

SIR: I have the honor to acknowledge the receipt by reference from you on the 20th ultimo of a letter addressed to you by General John B. Sanborn, dated the 17th ultimo, requesting that patents may issue for selections described in this letter, to the half-breeds entitled under the fifth article of the Cheyenne and Arapaho treaty of 1865 (see pamphlet laws, second session Thirty-ninth Congress, Treaties, page 148), and upon which you direct a report of the views of this office. In reference to the same I would respectfully say that I doubt the practicability of having patents issued in the absence of the surveys.

* * * * * * *

It is provided in said fifth article of the treaty of 1865 that such lands shall be selected from the reservation established by the first article of the Arapaho and Cheyenne treaty of February 18, 1861 (see Statutes at Large, vol. 12, page 1163). In view, therefore, of the fact that many of the half-breeds entitled to selections under said treaty are settled and have made valuable improvements upon the lands they desire to have patented to them, and as there may be delay in the appropriation for the survey of the selections, during which time the railway company * * * may procure legislation granting them lands in the reserve from which the half-breed selections are provided by treaty to be made, I respectfully recommend that the President be requested to direct that this reserve be withdrawn from sale until these selections are made. Vol. 2, p. 887. Vol. 2, p. 807.

Very respectfully, your obedient servant,

C. E. Mix, *Acting Commissioner.*

Hon. O. H. Browning,
Secretary of the Interior.

Department of the Interior, *January 16, 1868.*

Sir: I have the honor to submit herewith a communication from the Acting Commissioner of Indian Affairs, of the 14th instant, and accompanying paper, in relation to the selections of lands for half-breeds of the Cheyenne and Arapaho Indian tribes, under the fifth article of the treaty of October 14, 1865, with said tribes; and recommend that the Indian reservation therein referred to be withdrawn from sale until the selections are made as recommended.

Very respectfully, your obedient servant,

O. H. Browning, *Secretary.*

To the President.

[Indorsement.]

Washington, D. C., *January 16, 1868.*

Let the reservation within referred to be withdrawn from sale, as recommended by the Secretary of the Interior.

Andrew Johnson.

Department of the Interior, *November 17, 1870.*

Sir: This Department has been informed by the Acting Commissioner of Indian Affairs, under date of the 16th instant, that patents for the selections of land for half-breeds under the fifth article of the treaty of 14th October, 1865, with the Cheyenne and Arapahoe Indians, have been issued, and that the object for which the withdrawal from sale of the reservation for said Indians was made, by order of the President, has been accomplished. You will take appropriate action with a view to restoring said reservation to market.

Very respectfully, your obedient servant,

W. T. Otto, *Acting Secretary.*

The Commissioner of the General Land Office.

Ute Reserve.

[In Southern Ute Agency; occupied by Capote, Moache, and Wiminuche Ute tribes; established by treaties of October 7, 1863, and March 2, 1868; acts of April 29, 1874 (18 Stat., 36), June 15, 1880 (21 Stat., 199), July 28, 1882 (22 Stat., 178), May 14, 1884 (23 Stat., 22), August 15, 1894 (28 Stat., 337), and February 20, 1895 (28 Stat., 677); has been allotted in severalty and balance opened to settlement by proclamation April 13, 1899.]

EXECUTIVE MANSION, *November 22, 1875.*

It is hereby ordered that the tract of country in the Territory of Colorado lying within the following-described boundaries, viz: Commencing at the northeast corner of the present Ute Indian Reservation, as defined in the treaty of March 2, 1868 (Stats. at Large, vol. 15, p. 619); thence running north on the 107th degree of longitude to the first standard parallel north; thence west on said first standard parallel to the boundary line between Colorado and Utah; thence south with said boundary to the northwest corner of the Ute Indian Reservation; thence east with the north boundary of the said reservation to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the several tribes of Ute Indians, as an addition to the present reservation in said Territory.

U. S. GRANT.

EXECUTIVE MANSION, *August 17, 1876.*

It is hereby ordered that all that portion of country in the State of Colorado lying within the following-described boundaries, and forming a part of the Uncompahgre Park, viz: Commencing at the fifty-third mile-post on the north line of the survey of the boundaries of the Ute cession, executed by James W. Miller in 1875; thence south 4 miles; thence east 4 miles; thence north 4 miles, to the said north line; thence west to the place of beginning, be, and the same hereby is, withdrawn from the public domain and set apart as a part of the Ute Indian Reservation, in accordance with the first article of an agreement made with said Indians and ratified by Congress April 29, 1874 (Stats. at Large, vol. 18, p. 36).

U. S. GRANT.

EXECUTIVE MANSION, *February 7, 1879.*

It is hereby ordered that the following-described tract of country in the State of Colorado, to wit: Commencing at the intersection of the 37th parallel of north latitude with the 107th degree of west longitude; thence east along said parallel to the ridge described in Hayden's Geographical and Geological Survey of said State as the "National Divide" of the San Juan Mountains; thence following said divide in a general northerly and northwesterly direction to longitude 107 degrees and 23 minutes west; thence due south to latitude 37 degrees and 17 minutes north; thence due east to the 107th meridian of west longitude; thence south with said meridian to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement and set apart as a reservation for the Muache, Capote, and Weeminuchee bands of Ute Indians.

R. B. HAYES.

EXECUTIVE MANSION, *August 4, 1882.*

It is hereby ordered that the following-described tract of country in Colorado, viz: Commencing at the northeast corner of the present Ute Indian Reservation, as defined in the treaty of March 2, 1868 (Stats. at Large, vol. 15, p. 619); thence running north on the 107th degree of longitude to the first standard parallel north; thence west

Vol. 2, p. 990.

on said first standard parallel to the boundary line between Colorado and Utah; thence south with said boundary to the northwest corner of the Ute Indian Reservation; thence east with the north boundary of the said reservation to the place of beginning, withdrawn from sale and set apart for the use of the several tribes of the Ute Indians by Executive order dated November 22, 1875, be, and the same hereby is, restored to the public domain.

It is hereby further ordered that the following-described tract of country in Colorado, viz: Commencing at the intersection of the 37th parallel of north latitude with the 107th degree of west longitude; thence east along said parallel to the ridge described in Hayden's Geographical and Geological Survey of said State as the "National Divide" of the San Juan Mountains; thence following said divide in a general northerly and northwesterly direction to longitude 107 degrees and 23 minutes west; thence due south to latitude 37 degrees and 17 minutes north; thence due east to the 107th meridian of west longitude; thence south with said meridian to the place of beginning, withdrawn from sale and settlement and set apart as a reservation for the Muache, Capote, and Weeminuchee bands of Ute Indians by Executive order dated February 7, 1879, be, and the same is hereby, restored to the public domain.

CHESTER A. ARTHUR.

IDAHO.

Cœur d' Alène Reserve.

[In Colville Agency; occupied by Cœur d'Alène, Kutenai, Pend d'Oreille, and Spokane tribes; area, 632 square miles; established by Executive orders and acts of March 3, 1891 (26 Stat., 1027) and August 15, 1894 (28 Stat., 322).]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, May 23, 1867.

SIR: Under date October 1, 1866, Governor Ballard, of Idaho, was instructed to select and report to this office reservations for the use of the Boisé and Bruneau bands of Shoshones, in the southern part, and for the Cœur d' Alènes and other Indians, in the northern part of that Territory. These instructions were based upon statements contained in the annual report of Governor Ballard, printed at pages 191 and 192 of the annual report of this office for 1866. There are no treaties existing with either of the tribes or bands named, nor, so far as the Shoshones are concerned, have they any such complete tribal organization as would justify treaties with them, even if such arrangements were practicable under the force of recent legislation by Congress. The northern tribes have a better organization, but advices from the Executive indicate that while a necessity exists for some arrangement under which the Indians of all the bands referred to should have some fixed home set apart for them before the lands are all occupied by the whites, who are rapidly prospecting the country, such arrangements can now be made by the direct action of the Department.

I herewith transmit two reports of Governor Ballard, describing tracts proposed to be set apart for these Indians. So far as the one intended for the Shoshones is concerned, its location as a permanent home for those bands is dependent upon the consent of Washakee's band, commonly known and heretofore treated with as the eastern bands Shoshones; but there is no doubt of their ready acquiescence in the arrangement. The land referred to is within the limits acknowledged as their hunting range by the treaty of 1863. Believing that the interest of the Government, as well as that of the Indians requires that such action should be taken, I recommend that the President be requested to set apart the reservation, described in the diagram herewith, for the use of the Indians referred to, and that the General Land Office be directed to respect the boundaries thus defined.

Should the suggestions herein contained be approved, and favorable action had, this office will inform the governor and superintendent of Indian affairs of the fact, and direct such further measures as to carry the plan into operation without delay, so far as the means at the disposal of the Department will permit.

Very respectfully, your obedient servant,

N. G. TAYLOR, *Commissioner*.

Hon. O. H. BROWNING,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
General Land Office, June 6, 1867.

SIR: I have the honor to acknowledge the receipt of your communication of the 27th ultimo, transmitting one from the Commissioner of Indian Affairs of the 23d May last, with accompanying documents relating to proposed Indian reservations in Idaho Territory; and in obedience to your directions that I examine and report upon the subject matter, I have to state as follows:

The suggestion of the Commissioner of Indian Affairs in reference to the reservations proposed for the Boisé and Bruneau bands of Shoshones in the southern part of Idaho, and for the Cœur d'Alènes and other Indians in the northern part of that Territory, is that the same may be set apart by the President for those Indians as their home reservations to the extent as represented on the accompanying diagrams herewith, and transferred on a map of Idaho accompanying this letter, being there represented in *green* and *blue* shadings respectively.

The boundaries as defined by the local Indian agents, as per separate diagrams of the above reservations, are:

(1) The Boisé and Bruneau bands of Shoshones and Bannock Reservation: "Commencing on the south bank of Snake River at the junction of the Port Neuf River with said Snake River; then south 25 miles to the summit of the mountains dividing the waters of Bear River from those of Snake River; thence easterly along the summit of said range of mountains 70 miles to a point where Sublette road crosses said divide; thence north about 50 miles to Blackfoot River; thence down said stream to its junction with Snake River; thence down Snake River to the place of beginning," embracing about 1,800,000 acres, and comprehending Fort Hall on the Snake River within its limits.

(2) The Cœur d'Alènes and other tribes of northern Idaho, the proposed reservation for which is shown on the map of Idaho, herewith, in blue color, is represented to be about 20 miles square: "Commencing at the head of the Latah, about 6 miles above the crossing on the Lewiston trail, a road to the Spokane Bridge; thence running north-northeasterly to the St. Joseph River, the site of the old Cœur d'Alène Mission; thence west to the boundary line of Washington and Idaho Territories; thence south to a point due west of the place of beginning; thence east to place of beginning," including about 250,000 acres.

I have to observe that no surveys of the public lands have been made in those portions of Idaho Territory, nor is this office advised of the extinguishment of Indian titles to the same guarantied to them by the provision of the first and seventeenth sections of an act to provide a temporary government for the Territory of Idaho, approved March 3, 1863 (U. S. Stats., vol. 12, pages 809 and 814).

The records of this office showing no objection to the policy recommended to the Department by the Commissioner of Indian Affairs in his communication of the 23d ultimo, I have the honor to return the same to the Department, together with the papers accompanying the same.

I have the honor to be, very respectfully, your obedient servant,

JOS. S. WILSON, *Commissioner.*

Hon. W. T. OTTO,
Acting Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 13, 1867.

SIR: I submit herewith the papers that accompanied the inclosed report of the Commissioner of Indian Affairs of the 23d ultimo, in relation to the propriety of selecting reservations in Idaho Territory upon which to locate the Cœur d'Alènes and other Indians in the northern part of Idaho, and the Boisé and Bruneau bands of Shoshones in the southern part of that Territory.

This Department concurs in the recommendation of the Commissioner of Indian Affairs that the lands indicated upon the annexed diagram, and defined in the accompanying report of the Commissioner of the General Land Office of the 6th instant, be set apart as reservations for the Indians referred to, and I have the honor to request, if it meet your approval, that you make the requisite order in the premises.

With great respect, your obedient servant,

W. T. OTTO, *Acting Secretary.*

The PRESIDENT.

WASHINGTON, D. C., *June 14, 1867.*

Let the lands be set apart as reservations for the Indians within named, as recommended by the Acting Secretary of the Interior.

ANDREW JOHNSON.

EXECUTIVE MANSION, *November 8, 1873.*

It is hereby ordered that the following tract of country in the Territory of Idaho be, and the same is hereby, withdrawn from sale and set apart as a reservation for the Cœur d'Alène Indians, in said Territory, viz:

"Beginning at a point on the top of the dividing ridge between Pine and Latah (or Hangman's) Creeks, directly south of a point on said last-named creek, 6 miles above the point where the trail from Lewiston to Spokane Bridge crosses said creek; thence in a northeasterly direction in a direct line to the Cœur d'Alène Mission, on the Cœur d'Alène River (but not to include the lands of said mission); thence in a westerly direction, in a direct line, to the point where the Spokane River heads in, or leaves the Cœur d'Alène Lakes; thence down along the center of the channel of said Spokane River to the dividing line between the Territories of Idaho and Washington, as established by the act of Congress organizing a Territorial government for the Territory of Idaho; thence south along said dividing line to the top of the dividing ridge between Pine and Latah (or Hangman's) Creek; thence along the top of the said ridge to the place of beginning."

U. S. GRANT.

Duck Valley Reserve.

(See Nevada, post, page 866.)

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Fort Hall Reserve.

[Occupied by Bannock and Shoshone tribes; area, 1,350 square miles; established by treaty of July 3, 1868, and acts of July 3, 1882 (22 Stat., 148), September 1, 1888 (25 Stat., 452), February 23, 1889 (25 Stat., 687), and March 3, 1891 (26 Stat., 1011).]

(This reservation is included in the executive order of June 14, 1867, and preliminary correspondence, under the head of "Cœur d'Aléne Reserve.")

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, July 23, 1869.

SIR: I have the honor to submit herewith a letter from Charles F. Powell, special United States Indian agent, Fort Hall Agency, Idaho Territory, dated the 30th ultimo, which letter was forwarded to this office, with indorsement, dated the 6th instant, by Hon. D. W. Ballard, governor and *ex-officio* superintendent of Indian affairs for said Territory, and would respectfully call your attention to that portion of Agent Powell's letter relative to a selection of reservation for the Bannock Indians.

It is provided in the second article of the treaty concluded with the Eastern band of Shoshones and the Bannock tribe of Indians, July 3, 1868, that whenever the Bannocks desire a reservation to be set apart to their use, or whenever the President of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country, which shall embrace reasonable portions of the Port Neuf and "Kansas prairie" countries, and that when the reservation is declared, the United States will secure to the Bannocks the same rights and privileges therein and make the same and like expenditures therein for their benefit, except the agency house and residence of agent, in proportion to their numbers, as herein provided for the Shoshone Reservation.

By virtue of executive order, dated June 14, 1867 (herewith inclosed), there was set apart a reservation for the Indians in southern Idaho, including the Bannocks. This reserve, it will be observed from the diagram accompanying said executive order, embraces a portion of the country which the treaty provisions above quoted provides the reservation for the Bannocks shall be selected from. It appears from the letter of Agent Powell that the Bannocks are at present upon the reserve set apart by executive order as above stated, and that they desire to remain there. I think the area embraced within this reserve is sufficient for the Bannocks and any other Indians that it may be desired to locate thereon. I therefore respectfully recommend that the same be designated as the reserve provided for in the treaty of July 3, 1868, as hereinbefore recited, and that the President be requested to so direct.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. J. D. COX,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 29, 1869.

SIR: I have the honor to submit herewith a communication from the Commissioner of Indian Affairs, dated the 23d instant, and accompanying papers, relative to the designation of a reservation in Idaho for the Bannock Indians, as provided by the second article of the treaty of July 3, 1868, with that tribe, and for the reasons stated by the Commissioner respectfully recommend that you direct that the lands reserved by an executive order dated June 14, 1867, for the Indians of southern Idaho, including the Bannocks, be designated as the reservation provided for said tribe by the second article of the treaty referred to, dated July 3, 1868.

With great respect, your obedient servant,

J. D. Cox, *Secretary.*

To the President.

Executive Mansion, *July 30, 1869.*

The within recommendation of the Secretary of the Interior is hereby approved, and within the limits of the tract reserved by executive order of June 14, 1867, for the Indians of southern Idaho, will be designated a reservation provided for the Bannocks by the second article of the treaty with said tribe of 3d July, 1868.

U. S. Grant.

Lapwai Reserve.

[In the Nez Percé Agency; occupied by Nez Percé tribe; area, 50 square miles; established by treaty June 9, 1863, and act of August 15, 1894 (28 Stat., 326). Has been allotted and opened to settlement by proclamation of November 8, 1895.]

Lemhi Reserve.

[Occupied by Bannock, Sheepeater, and Shoshoni tribes; area, 100 square miles; established by unratified treaty of September 24, 1868, Executive order, and act of February 23, 1889 (25 Stat., 687).]

Executive Mansion, *February 12, 1875.*

It is hereby ordered that the tract of country in the Territory of Idaho, lying within the following-described boundaries, viz: Commencing at a point on the Lemhi River that is due west of a point 1 mile due south of Fort Lemhi; thence due east, about 3 miles to the crest of the mountain; thence with said mountain in a southerly direction about 12 miles to a point due east of Yeanun bridge, on the Lemhi River; thence west across said bridge and Lemhi River to the crest of the mountain on the west side of river; thence with said mountain in a northerly direction to a point due west of the place of beginning; thence due east to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the exclusive use of the mixed tribes of Shoshone, Bannock, and Sheapeater Indians, to be known as the Lemhi Valley Indian Reservation.

Said tract of country is estimated to contain about 100 square miles, and is in lieu of the tract provided for in the third article of an unratified treaty made and concluded at Virginia City, Montana Territory, on the 24th of September, 1868.

U. S. Grant.

INDIAN TERRITORY.

Cherokee Reserve.

[In Union Agency; area, 6,906 square miles; established by treaty February 14, 1833; December 29, 1835; July 19, 1866, and by act of March 3, 1893 (27 Stat., 670).]

Cheyenne and Arapaho Reserve.

(For reserve set apart for Cheyennes and Arapahoes in Colorado, see Colorado, ante page 832.)

Department of the Interior,
Office of Indian Affairs, June 19, 1869.

Sir: I have the honor to acknowledge the receipt, by reference from the Secretary of the Interior on the 10th instant, of a letter from Adjt.

Gen. E. D. Townsend, bearing date the 9th instant, inclosing a copy of a telegram dated Fort Leavenworth, Kans., June 8, 1869, from Maj. Gen. J. M. Schofield to General W. T. Sherman, recommending that the reservation for the Arapaho Indians be changed from its present location to the North Fork of the Canadian River, and requesting a report thereon from this office.

By the terms of the treaty with the Cheyenne and Arapaho tribes of Indians, proclaimed August 19, 1868, it is provided in the second article thereof that "the United States agrees that the following district of country, to wit: Commencing at the point where the Arkansas River crosses the thirty-seventh parallel of north latitude; thence west on said parallel—the said line being the southern boundary of the State of Kansas—to the Cimarron River (sometimes called the Red Fork of the Arkansas River); thence down said Cimarron River, in the middle of the main channel thereof, to the Arkansas River; thence up the Arkansas River, in the middle of the main channel thereof, to the place of beginning, shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them."

It will be seen from the language of the second article of said treaty, just quoted, that a reservation upon which they are now located has already been provided for said Indians within the boundaries in said article designated, but I am of opinion that it would be better for both the Indians and the Government if they were to be removed to the North Fork of the Canadian River in accordance with the suggestions of General Schofield, provided any authority can be found for removing and locating said Indians in the manner contemplated.

Should you be of opinion that such authority exists, and determine in pursuance thereof to cause a removal of said Indians to be made from their present reservation, I would suggest that a tract of country be set aside for their occupation and use bounded as follows, viz: Commencing at the point where the Washita River crosses the ninety-eighth degree of west longitude; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River); thence up said river, in the middle of the main channel thereof, to the north boundary of the country ceded to the United States by the treaty of June 14, 1866, with the Creek Nation of Indians; thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March 21, 1866, with the Seminole Indians, to the one hundredth degree of west longitude; thence south on the line of said one hundredth degree to the north boundary of the country set apart for the Kiowas and Comanches by the second article of the treaty concluded October 21, 1867, with said tribes; thence east along said boundary to the point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning.

The territory comprised within the boundaries last above designated contains a small portion of the country ceded to the United States by the terms of the treaty with the Creek Indians concluded June 14, 1866; a portion of the country ceded to the United States by the terms of the treaty with the Seminole Indians concluded March 21, 1866, and the remainder is composed of a portion of what is commonly known as the "leased country."

Inasmuch as this office has no information upon the subject, except that conveyed by the telegram of General Schofield, which is very meager and indefinite, I am unable to determine the causes which seem to require this change, and I would therefore respectfully suggest, unless there is some pressing necessity which will admit of no delay, whether it would not be well to refer the matter to the proper officers of this bureau for investigation and report before any action is taken.

The letter of Adjutant-General Townsend, together with the copy of the telegram of General Schofield, is herewith returned.

Very respectfully, etc.,

E. S. PARKER, *Commissioner.*

Hon. W. T. OTTO,
Acting Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., August 10, 1869.

SIR: Referring to my report to you of the 19th of June last, relative to the change of location of the reservation for the Cheyenne and Arapaho Indians, I now have the honor to submit, herewith, copies of the following letters relative to this subject, viz:

Letter from Superintendent Hoag, dated the 31st ultimo, inclosing letter from Brevet Major-General Hazen, dated the 24th ultimo.

Letter from Superintendent Hoag, dated the 4th instant, inclosing letter from General Hazen, dated the 2d instant.

It appears from these letters that the Cheyennes and Arapahoes did not understand the location of the reservation as defined by the treaty of August 19, 1868; that they have never been upon said reserve, and do not desire to go there, but that they desire to locate on the North Fork of the Canadian, some 60 miles below Camp Supply; that the agent for these tribes has a large quantity of valuable stores in this locality, which are very much exposed.

Inasmuch as these Indians express a desire to be located upon a reserve, I think it very desirable that their wishes should be gratified, and that they be not permitted to again roam on the plains. I therefore respectfully recommend that the President be requested to authorize the location of these Indians on the North Fork of the Canadian River, where they desire to go, and that immediate steps be taken to provide temporarily for them there. The country desired by them is public land, and I think it competent for the President to direct their location thereon. In view, however, of the fact that these Indians have a reservation defined for them by treaty stipulation, legislation can be asked of Congress at the coming session to insure a permanent reservation for them where they may locate, and abandon as a reservation the present one, restoring it to the public lands.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. J. D. COX,
Secretary of the Interior.

AUGUST 10, 1869.

The recommendation of the Indian Commissioner approved.

J. D. COX, *Secretary.*

Approved August 10, 1869.

U. S. GRANT,
President.

Chickasaw Reserve.

[In Union Agency; area, 7,271 square miles; established by treaty of June 22, 1855.]

Chilocco Industrial School Reserve.

EXECUTIVE MANSION, *July 12, 1884.*

It is hereby ordered that the following-described tracts of country in the Indian Territory, viz, sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, and the east half of sections 17, 20, and 29, all in township No. 29 north, range No. 2 east of the Indian meridian, be, and the same are hereby, reserved and set apart for the settlement of such friendly Indians belonging within the Indian Territory as have been or who may hereafter be educated at the Chilocco Indian Industrial School in said Territory.

CHESTER A. ARTHUR.

Choctaw Reserve.

[In Union Agency; area, 10,871 square miles; established by treaty of June 22, 1855 (11 Stat., 611).]

Creek Reserve.

[In Union Agency; area, 4,811 square miles; established by treaties of February 14, 1833, and June 14, 1866, and act of August 5, 1882 (22 Stat., 265).]

Fort Reno Military Reserve.

WAR DEPARTMENT,
Washington City, July 17, 1883.

To the PRESIDENT:

SIR: Upon recommendation of the post commander, concurred in by the commanding general, Department of the Missouri, and the lieutenant-general, I have the honor to request that the following-described tract of land in the Indian Territory, located within the limits of the Cheyenne and Arapaho Indian Reservation, created by Executive order dated August 10, 1869, be duly declared and set apart by the Executive as a military reservation for the post of Fort Reno, viz:

Beginning at the northwest corner of section 28, township 13 north, range 8 west of the Indian meridian, and running thence east to North Fork of the Canadian River; thence down this stream to the range line between ranges 7 and 8 west of the Indian meridian; thence south on said range line to the southeast corner of section 36, township 13 north, range 8 west of the Indian meridian; thence east to the northeast corner of township 12 north, range 8 west of the Indian meridian; thence south to the southeast corner of section 12 of said township; thence west to the southwest corner of section 9 of said township; thence north to the northwest corner of section 4 of said township; thence west to the southwest corner of section 33, township 13 north, range 8 west of the Indian meridian; thence north to the point of beginning, containing an area of about 14¾ square miles, or 9,493 acres.

A sketch showing the proposed reservation is inclosed herewith, and the Interior Department reports that there is no objection on the part of the Indian Office to the setting apart for military purposes exclusively of the tract of land herein described.

I have the honor to be, sir, with great respect, etc.,

ROBERT T. LINCOLN,
Secretary of War.

EXECUTIVE MANSION,
Washington, July 17, 1883.

The within request is approved, and the reservation is made and proclaimed accordingly.

The Secretary of the Interior will cause the same to be noted in the General Land Office.

CHESTER A. ARTHUR.

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*Fort Supply Military Reserve.**

WAR DEPARTMENT,
Washington City, January 16, 1883.

To the PRESIDENT:

SIR: I have the honor, upon the recommendation of the commanding general Department of the Missouri, concurred in by the Lieutenant-General and approved by the General of the Army, to request that the United States military reservation of Fort Supply, Indian Territory, originally declared by Executive order dated April 18, 1882, as announced in General Orders No. 14, of May 10, 1882, from department headquarters, may be enlarged, for the purpose of supplying the post with water and timber, by the addition of the following-described tracts of land adjacent thereto, viz:

The south half of township 25 north, range 22 west, and the southwest quarter of township 25 north, range 21 west, in the Indian Territory.

It has been ascertained from the Interior Department that no objection will be interposed to the enlargement of the reservation in question as herein indicated.

The Commissioner of Indian Affairs, however, with the concurrence of the Secretary of the Interior, recommends that a proviso be inserted in the order making the proposed addition, so as to cover the entire reservation, "that whenever any portion of the land so set apart may be required by the Secretary of the Interior for Indian purposes the same shall be abandoned by the military, upon notice to that effect to the Secretary of War."

I have the honor to be, sir, with great respect, etc.,

ROBERT T. LINCOLN,
Secretary of War.

EXECUTIVE MANSION,
Washington, January 17, 1883.

The within request is approved, and the enlargement of the reservation is made and proclaimed accordingly: *Provided*, That whenever any portion of the land set apart for this post may be required by the Secretary of the Interior for Indian purposes the same shall be relinquished by the military, upon notice to that effect to the Secretary of War; and the Executive order of April 18, 1882, is modified to this extent.

The Secretary of the Interior will cause the same to be noted in the General Land Office.

CHESTER A. ARTHUR.

Iowa Reserve.

EXECUTIVE MANSION, *August 15, 1883.*

It is hereby ordered that the following-described tract of country in the Indian Territory, viz: Commencing at the point where the Deep Fork of the Canadian River intersects the west boundary of the Sac and Fox Reservation; thence north along said west boundary to the south bank of the Cimarron River; thence up said Cimarron River to the Indian meridian; thence south along said Indian meridian to the Deep Fork of the Canadian River; thence down said Deep Fork to the place of beginning, be, and the same hereby is, set apart for the permanent use and occupation of the Iowa and such other Indians as the Secretary of the Interior may see fit to locate thereon.

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*See Appendix II, post, page 1047.

CHESTER A. ARTHUR.

Kickapoo Reserve.

EXECUTIVE MANSION, *August 15, 1883.*

It is hereby ordered that the following-described tract of country in the Indian Territory, viz: Commencing at the southwest corner of the Sac and Fox Reservation; thence north along the western boundary of said reservation to the Deep Fork of the Canadian River; thence up said Deep Fork to the point where it intersects the Indian meridian; thence south along said Indian meridian to the North Fork of the Canadian River; thence down said river to the place of beginning, be, and the same hereby is, set apart for the permanent use and occupation of the Kickapoo Indians.

CHESTER A. ARTHUR.

Modoc Reserve.

[In Quapaw Agency; established by act March 3, 1875 (18 Stat., 447). Lands are all allotted.]

Oto Reserve.

DEPARTMENT OF THE INTERIOR,
Washington, June 25, 1881.

SIR: Agreeably to your recommendation of the 13th instant, the following-described lands in the Indian Territory, west of the ninety-sixth degree, west longitude, in the tract ceded to the United States by the Cherokees, for the settlement of friendly Indians, by the sixteenth article of their treaty of July 19, 1886, are hereby designated and assigned for the use and occupation of the confederated Otoe and Missouria tribes of Indians, under the provisions of the act of Congress approved March 3, 1881 (21 Stats., p. 381), namely:

Township 22 north, range 1 east, containing 23,013.70 acres.
Township 23 north, range 1 east, containing 23,018.79 acres.
Township 22 north, range 2 east, containing 23,049.27 acres.
Township 23 north, range 2 east, containing 22,945.91 acres.
Township 22 north, range 3 east, containing 22,986.69 acres.

Also that portion of township 23 north, range 3 east, lying west of the Arkansas River, containing 14,098.84 acres.

Total acreage, 129,113.20 acres.

The papers which accompanied your letter before noted are herewith returned.

Very respectfully, S. J. KIRKWOOD, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

Ottawa Reserve.

[In Quapaw Agency; area, 2½ square miles; occupied by Ottawa of Blanchards Fork and Roche de Boeuf; established by treaty of February 23, 1867. Part allotted by act of March 3, 1891 (26 Stat. 989).]

Peoria Reserve.

[In Quapaw Agency; occupied by Kaskaskia, Peoria, Wea, Miami, and Piankashaw tribes; area, 10¼ square miles; established by treaty February 23, 1867.]

Quapaw Reserve.

[Established by treaties of May 13, 1833, and February 23, 1867.]

Seminole Reserve.

[In Union Agency; area, 571¼ square miles; established by treaty March 21, 1866, and act of July 1, 1898 (30 Stat., 567).]

Seneca Reserve.

[In Quapaw Agency; area, 40¼ square miles; established by treaties of February 28, 1831, December 29, 1832, and February 23, 1867.]

Shawnee Reserve.

[In Quapaw Agency; occupied by Seneca and Eastern Shawnee; area, 4 square miles; established by treaties of July 20, 1831, December 29, 1832, February 23, 1867, and act of March 3, 1875 (18 Stat., 447).]

Wyandot Reserve.

[In Quapaw Agency; area, 1 square mile; established by treaty of February 23, 1867.]

IOWA.

Sauk and Fox.

[Occupied by Potawatomi, Sauk and Fox of the Mississippi, and Winnebago tribes; area, 4¼ square miles; established by purchase (act March 2, 1867, 14 Stat., 507).]

KANSAS.

Chippewa and Munsee Reserve.

[In the Potawatomi and Great Nemaha Agency; established by treaty, July 16, 1859.]

Iowa Reserve.

[In the Potawatomi and Great Nemaha Agency; established by treaties of May 17, 1854, and March 6, 1861.]

Kickapoo Reserve.

[In the Potawatomi and Great Nemaha Agency; area, 12 square miles; established by treaty, June 28, 1862.]

Potawatomi Reserve.

[Occupied by Prairie band of Potawatomi; area, 29¼ square miles; established by treaties of June 5, 1846, November 15, 1861, and February 27, 1867.]

Sauk and Fox Reserve.

[In Potawatomi and Great Nemaha Agency; occupied by Sauk and Fox of the Missouri; area, 2¼ square miles; established by treaties, May 18, 1854, and March 6, 1861, and acts of June 10, 1872 (17 Stat., 391), and August 15, 1876 (19 Stat., 208).]

MICHIGAN.

Isabella Reserve.

[In Mackinac Agency; occupied by Chippewa of Saginaw, Swan Creek, and Black River; area 2¼ square miles; established by Executive order and treaties of August 2, 1855, and October 18, 1864.]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, December 11, 1854.

SIR: I inclose a copy of a letter from Messrs. George Smith and P. O. Johnson, missionaries of the Methodist Episcopal Church in Michigan, addressed to Rev. Dr. Durbin, and by him forwarded to this office, in relation to certain desired reservations of public lands.

In consideration of certain contemplated arrangements with the Indians in Michigan during the ensuing spring, I have to ask that you reserve from public sale the lands designated in the letter of Messrs. Smith and Johnson.

I have also received a communication from the Rev. J. P. Durbin, corresponding secretary of the Missionary Society of the Methodist Episcopal Church, asking for an additional reservation of lands near Iroquois Point, back from the lake.

For the reasons above, I concur in the request, and ask that several additional sections to those already reserved be made of the lands in the vicinity of Iroquois Point.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Commissioner.*

JOHN WILSON, Esq.,
Commissioner of General Land Office.

GENERAL LAND OFFICE, *December 20, 1854.*

SIR: I have the honor to transmit a communication from the Commissioner of Indian Affairs, addressed to this office, bearing date the 11th instant, and its inclosure, recommending, for reasons stated, the withdrawal from market and reservation for Indian purposes the lands in Isabella County, Mich., or so much thereof as may be deemed expedient.

The pink-shaded lines on the inclosed printed map show the limits of Isabella County, covering, according to the maps of this office, townships 13, 14, 15, and 16 north, of ranges 3, 4, 5, and 6 west of the Michigan meridian, in the Ionia district, the whole of which are requested to be reserved, and the numbers 1, 2, 3, 4, 5, 6, placed on certain townships, show the order of the preference to be given should it be determined to reserve less than the east half of the county.

From an estimate just made at this office, it appears that only about two-ninths of the whole surface has been disposed of, although three of the townships have been in market since 1833, and the balance since 1840.

As regards the conditions mentioned in the Rev. George Smith's letter (among the papers), that the reserve be made "for the Chippewa Indians of Michigan, to be purchased under the direction of the missionary society," etc., I have to remark that no such privilege could, in my opinion, be given without legislation of Congress.

I am, very respectfully, your obedient servant,

JOHN WILSON, *Commissioner.*

Hon. ROBERT MCCLELLAND,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, *April 12, 1855.*

SIR: I have the honor to submit herewith two letters from the Commissioner of the General Land Office in relation to the withdrawal of certain lands in Michigan from sale with a view to the benefit hereafter of certain Indian tribes, in accordance with the intimations of the Indian Office.

The first letter, that of the 20th of December last, has reference to lands in Isabella County, Michigan, and that on the 10th instant to land in a new county called Emmett, in the same State, the former county containing 16 and the latter 27 townships and fractional townships, and the withdrawal appears to be desired by the Indian Office "in consequence of certain contemplated arrangements with the Indians in Michigan during the present spring." The matter connected with the letter of the 20th December has been delayed, waiting more specific information from the Indian Office as to the specific land wanted, which is supplied by this letter of the 10th instant from that office.

The philanthropic policy of furnishing these Indians, who are desirous of becoming cultivators of the soil, with land for that purpose, to the greatest possible extent separated from evil example or annoyance of unprincipled whites, who might be disposed to settle in their vicinity, or within their midst, after farms already opened by them had rendered the surrounding land more valuable, is apparent, and I have no hesitation in recommending your sanction to the withdrawal of the lands indicated in each of said communications from the Land Office, but it must be with the express understanding that no peculiar or exclusive claim to any of the land so withdrawn can be acquired by said Indians, for whose future benefit it is understood to be made, until after they shall by future legislation be invested with the legal title thereto.

With much respect, your obedient servant,

R. MCCLELLAND, *Secretary.*

The PRESIDENT OF THE UNITED STATES.

[Indorsement.]

MAY 14, 1855.

Let the withdrawal of all the vacant land in Isabella County be made with the express understanding contained in the letter of the Secretary of the Interior to me of the 12th instant.

FRANKLIN PIERCE.

(Superseded by treaty of August 2, 1855, with Chippewas of Saginaw, Swan Creek, and Black River, 11 Statutes, 633.)

L'Anse Reserve.

[Mackinac Agency; occupied by L'Anse and Vieux Désert bands of Chippewa of Lake Superior; area, 84 square miles; established by treaty of September 30, 1854.]

Little Traverse Reserve.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, April 12, 1864.

SIR: I have the honor to transmit herewith, for your consideration, a copy of a letter from Agent Leach, in which he recommends that townships 34, 35, 36, 37, 38, and 39 north, range 4 west, and townships 34, 37, 38, and 39 north, range 3 west, be withdrawn from sale, with a view to an enlargement of the Little Traverse Reservation.

In his annual report for 1863 (see Annual Report of this Office for 1863, pages 377 and 378), Agent Leach gives his reasons at length in favor of an enlargement of the Little Traverse Reservation, with a view to the removal of the Indians from Mackinac, Beaver Island, Thunder Bay, and those east of the Grand Traverse Bay, and locating them all upon the Little Traverse Reservation, thereby greatly reducing the expenses of the agency and, as hoped, much improving the condition of the Indians.

Concurring in the views expressed by Agent Leach in his report above referred to, I respectfully recommend that the townships named in his letter be withdrawn from sale, with a view to the proposed enlargement of the Little Traverse Reservation.

Very respectfully, your obedient servant,

W. P. DOLE, *Commissioner.*

HON. J. P. USHER,
Secretary of the Interior.

[First indorsement.]

DEPARTMENT OF THE INTERIOR, *April 15, 1864.*

Respectfully submitted to the President with the recommendation that the lands within described be withdrawn from sale for the purpose indicated.

J. P. USHER, *Secretary.*

[Second indorsement.]

Let the lands be withheld from sale as recommended.

A. LINCOLN.

APRIL 16, 1864.

EXECUTIVE MANSION, *February 4, 1874.*

Referring to Executive order dated April 16, 1864, withdrawing from public sale, for Indian purposes, the undisposed-of lands embraced in townships 34, 37, 38, and 39 north, of range 3, and townships 34, 35, 36, 37, 38, and 39 north, of range 4 west, in the State of Michigan, I hereby revoke, rescind, cancel, and declare said order to be void and of no effect from and after the date hereof, and the lands above described are hereby restored to the public domain.

U. S. GRANT.

Ontonagon Reserve.

[In Mackinac Agency; area 1 square mile; established by treaty of September 30, 1854.]

GENERAL LAND OFFICE, *September 24, 1855.*

SIR: I have the honor to submit herewith a communication from the Commissioner of Indian Affairs, of the 20th instant, requesting that the following-described tracts be withdrawn from market and reserved for the Ontonagon band of Chippewa Indians under the sixth clause of the first article of the treaty of La Pointe of July 30, 1854, viz: Lots Nos. 1, 2, 3, and 4 of section 14, township 53 north, range 38 west, Michigan meridian; lots Nos. 1, 2, 3, and 4 of section 15, township 53 north, range 38 west, Michigan meridian; southwest quarter and southwest quarter of southeast quarter of section 15, township 53 north, range 38 west, Michigan meridian; the whole of sections 22 and 28, township 53 north, range 38 west, Michigan meridian; north half of section 26, township 53 north, range 38 west, Michigan meridian; north half section 27, township 53 north, range 38 west, Michigan meridian; all situated in the northern peninsula of Michigan.

On examination of the plats and tract-books in this office it appears that the above lands are all vacant, and there exists no objections to their reservation; for which I respectfully recommend that the order of the President be obtained previous to instructing the land officers.

I am, very respectfully, your obedient servant,

THOS. A. HENDRICKS, *Commissioner.*

Hon. ROBERT MCCLELLAND,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, *September 25, 1855.*

Respectfully submitted to the President for his approval as recommended.

R. MCCLELLAND, *Secretary.*

SEPTEMBER 25, 1885.

Let the reservation be made.

FRANKLIN PIERCE.

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*Ottawa and Chippewa Reserves.**

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, August 4, 1855.

SIR: I inclose herewith a copy of a communication from the Commissioner of Indian Affairs dated at Detroit, the 1st instant, received here this morning, in which he requests that several townships, sections, and parts of sections of land within the State of Michigan, in addition to those heretofore withdrawn from sale, be also withdrawn, in order to enable the Ottawa and Chippewa Indians to select the quantity guarantied to them by a treaty concluded with them on the 31st ultimo.

I have, therefore, respectfully to recommend that, in addition to the tracts heretofore withdrawn from sale with a view to accommodate the Indians of Michigan, the following designated tracts be also withdrawn from sale, and that the usual measures be taken by the Commissioner of the General Land Office to give proper publicity to the fact, viz:

Sections 13, 14, 23, 24, 25, 26, 27, and 28, in township 47 north, range 5 west.

Sections 18, 19, and 30, in township 47 north, range 4 west.

Sections 11, 12, 13, 14, 15, 22, 23, 25, and 26, in township 47 north, range 3 west.

Section 20, in township 47 north, range 2 west.

Sections 2, 3, 4, 11, 14, and 15, in township 47 north, range 2 east.

Section 34, in township 48 north, range 2 east.

Sections 6, 7, 18, 19, 20, 28, 29, and 33, in township 45 north, range 2 east.

Sections 1, 12, and 13, in township 45 north, range 1 east.

Section 4, in township 44 north, range 2 east.

Township 42 north, of ranges 1 and 2 west.

Township 43 north, of range 1 west.

Township 44 north, of range 12 west.

High Island and Garden Island, in Lake Michigan, being fractional townships 38 and 39 north, of range 11 west, 40 north, of range 10 west, and in part 39 north, of ranges 9 and 10 west, township 32[a] north, of range 10 west.

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*See Appendix II, post, p. 1047.

Townships 29, 30, 31, and 32 north, of range 11 west.

Townships 29, 30, and 31 north, of range 12 west.

Township 29 north, of range 13 west.

East half of township 29 north, of range 9 west.

Sections 25 and 36 in township 30 north, of range 7 east, and section 22 in township 30 north, of range 8 east.

Very respectfully, etc.,

CHAS. E. MIX,
Acting Commissioner.

Hon. R. MCCLELLAND,
Secretary of the Interior.

AUGUST 9, 1855.

Let the lands referred to in letter of the Acting Commissioner of Indian Affairs of the 4th instant, with the exceptions noted in letter of the Acting Commissioner of the General Land Office of the 8th instant, be temporarily withdrawn from sale, for the purposes indicated in above letter from Indian Office, and as recommended by Secretary of the Interior in letter of 8th instant.

FRANKLIN PIERCE.

(See last clause of article 1, treaty of July 31, 1855, Vol. 2, p. 545.

MINNESOTA.

Bois Fort Reserve.

[In La Pointe Agency; occupied by Boise Fort Band of Chippewa; established by treaty of April 7, 1866, and act of January 14, 1889, 25 Stat., 642.]

Deer Creek Reserve.

[In La Pointe Agency; occupied by Boise Fort Band of Chippewa; established by act of January 14, 1889 (25 Stat., 642).]

EXECUTIVE MANSION, *June 30, 1883.*

Vol. 2, p. 917.

Agreeably to the provision contained in the closing sentence of the first clause of article 3 of the treaty of April 7, 1866, with the Boise Fort band of Chippewa Indians (14 Stat. at L., p. 765), it is hereby ordered that a township of land in the State of Minnesota, to wit, township 62 north, range 25 west of the fourth principal meridian, be, and the same is hereby, set apart for the perpetual use and occupancy of said Indians: *Provided, however*, That any tract or tracts embraced within said township to which valid rights have attached under the laws of the United States governing the disposition of the public lands, are hereby excluded from the reservation hereby made.

CHESTER A. ARTHUR.

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[a] Although this township (32 north, range 10 west) is referred to in the Commissioner's letter as already withdrawn from sale, it is believed to be a mistake in transcribing the dispatch through the telegraph offices, informing him what tracts have been so withdrawn. It should therefore be included in the list of those to be withdrawn.

*Fond du Lac Reserve.**

[In La Pointe Agency; established by treaty September 30, 1854, and act of May 26, 1872 (17 Stat., 190), and January 14, 1889 (25 Stat., 642).]

GENERAL LAND OFFICE,
December 20, 1858.

SIR: The letter of the Commissioner of Indian Affairs of the 16th November last, addressed to you in relation to the survey of the exterior boundaries of Fond du Lac Reservation, made in conformity with the provisions of the fourth clause of the second article of the Chippewa treaty of September 30, 1854, recommending to withdraw from pre-emption and sale so much of the public lands in the vicinity of Perch Lake as may be required to protect the interests of the Indians and secure them the improved settlements, with a view to settle the existing difficulties pertaining to said boundary by subsequent negotiation, looking to a change by the lines of the present reserve; and also your indorsement on back of said letter calling on this office for a report and sketch of the specific tracts which it is desired *shall be held from preemption and sale, is received.*

In compliance with your request, I herewith inclose the sketch called for by you, which will be found to embrace the following townships: Township 48 north, 12, 17, 18, and 19 west; township 49 north, 12, 16 west, west of St. Louis River; and township 49 north, 12, 17, 18, and 19 west of the fourth principal meridian.

The letter addressed to you is herewith returned.

I have the honor to be, respectfully, your obedient servant,

THOS. A. HENDRICKS,
Commissioner.

HON. J. THOMPSON,
Secretary of the Interior.

It is recommended that the tracts herein specified be withheld from pre-emption and sale, for the purposes specified in the letter of the Commissioner of Indian Affairs, dated November 16, 1858, herewith.

J. THOMPSON,
Secretary of Interior.

Let the tracts specified be withdrawn, as requested by the Secretary of the Interior.

JAMES BUCHANAN.

DECEMBER 21, 1858.

Grand Portage (Pigeon River) Reserve.

[In La Pointe Agency; occupied by Bois Fort Band of Chippewa of Lake Superior; established by treaty September 30, 1854, and act of January 14, 1889 (25 Stat., 642).]

Leech Lake Reserve.

[Occupied by Cass Lake, Pillager, and Lake Winnibigoshish bands of Chippewa; established by treaty of September 30, 1854, and act of January 14, 1889 (25 Stat., 642).]

EXECUTIVE MANSION, *November 4, 1873.*

It is hereby ordered that the description of the first-named tract of country reserved for the use of the Pillager and Lake Winnebagoshish bands, and provided for in the second clause of the second article of the treaty with the Mississippi bands of Chippewa Indians, concluded

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*See Appendix II, post, p. 1048.

February 22, 1855 (Stats. at Large, vol. 10, p. 1166), be amended so as to read as follows:

Beginning at the mouth of Little Boy River; thence up said river through the first lake to the southern extremity of the second lake on said river; thence in a direct line to the most southern point of Leech Lake, and thence through said lake, so as to include all the islands therein, to the place of beginning; and that the additional land therein embraced be withdrawn from sale, entry, or other disposition, and that the same be set apart for the use of said Indians.

U. S. GRANT.

EXECUTIVE MANSION, *May 26, 1874*.

It is hereby ordered that there be withdrawn from sale, entry, or other disposition so much of the following tracts of country as are not already covered by treaty with the Chippewas, concluded February 22, 1855, and set apart for the use of the Pillager and Lake Winnebagoshish bands of said Indians, viz:

Commencing at the point where the Mississippi River leaves Lake Winnebagoshish, it being the beginning point of the second tract of land reserved for said bands (Stats. at Large, vol. 10, p. 1166); thence northeasterly to the point where the range line between ranges 25 and 26 west west intersects the township line between townships 146 and 147 north; thence north on said range line to the twelfth standard parallel; thence west on said parallel to range line between ranges 28 and 29; thence south on said range line till it intersects the third river; thence down said river to its mouth; thence in a direct line to the place of beginning. Also, all the land embraced in township 143 north, range 29 west, in the State of Minnesota.

U. S. GRANT.

Mdewakanton Reserve.

[In Leech Lake Agency; occupied by Mdewakanton Sioux; area 1½ square miles; established by purchase; see acts of July 4, 1884, March 3, 1885, May 15, 1886, June 29, 1888, March 2, 1889, and August 19, 1890.]

Red Lake Reserve.

[In Leech Lake Agency; occupied by Red Lake and Pembina bands of Chippewa; area 1,250 square miles; established by treaty October 2, 1863 and act of January 14, 1889 (25 Stat., 642).]

EXECUTIVE MANSION, *November 21, 1892*.

It is hereby ordered that the following tracts of land in the State of Minnesota, viz: Fractional section 33 in township 152 north, of range 32 west, and fractional sections 4, 9, 16, 17, 19, and 20, and section 21 in township 151 north, of range 32 west, be, and the same are hereby, reserved from entry and sale as public lands and added to the Red Lake Indian Reservation, as a part of the same for the use and benefit of the Indians thereof, with like tenure as the other lands now included within the reservation, according to the terms of the agreement negotiated with said Indians by the Chippewa Commission, in accordance with the provisions of the act of Congress approved January 14, 1889 (25 Stats., 642), which agreement was approved by the President March 4, 1890.

BENJ. HARRISON.

Vermilion Lake Reserve.

[In La Pointe Agency; occupied by Bois Fort band of Chippewa; area, 1½ square miles; established by act of January 14, 1889, and Executive order.]

EXECUTIVE MANSION, *December 20, 1881.*

It is hereby ordered that the following-described land in Minnesota, viz, that portion of the southeast quarter of section 23 lying east of Sucker Bay; the southwest quarter, and lot ——, being the most southerly lot in the southeast quarter of section 24, and fractional sections 25, 26, and that portion of section 35 north of Vermillion Lake, all in township 62 north, range 16 west, fourth principal meridian, Minnesota, be, and the same are hereby, withdrawn from sale or settlement and set apart as a reservation for Indian purposes, for the use of the Boise Fort Band of Chippewa Indians, to be known as the "Vermillion Lake Indian Reservation."

CHESTER A. ARTHUR.

White Earth Reserve.

[Occupied by Chippewa of the Mississippi, Gull Lake, Pembina, Otter Tail, and Pillager Chippewa; area, 1,093¾ square miles; established by treaty of March 19, 1867, and act of January 14, 1889 (25 Stat., 642).]

EXECUTIVE MANSION, *March 18, 1879.*

It is hereby ordered that the following-described lands, situated in the State of Minnesota, viz: Beginning at the northwest corner of the White Earth Indian Reservation, being the northwest corner of township 146 north, range 42 west, and running thence north to the northwest corner of township 148 north, range 42 west; thence west to the southwest corner of township 149 north, range 42 west; thence north to the northwest corner of township 149 north, range 42 west; thence east on the line between township 149 north and township 150 north to the intersection of said line with the southwestern boundary of the Red Lake Indian Reservation; thence southeasterly to the most southerly point of the Red Lake Indian Reservation; thence in a northeasterly direction and along the line of the Red Lake Indian Reservation to a point due north from the northeast corner of the White Earth Indian Reservation; thence south to the northeast corner of White Earth Indian Reservation, and thence west along the northern boundary line of White Earth Indian Reservation to the point of beginning, be, and the same is hereby, withdrawn from sale and settlement and set apart as a reservation for Indian purposes: *Provided, however,* That any tract or tracts of land included within the foregoing described boundaries, the title to which has passed out of the United States Government, or to which valid homestead or pre-emption rights have attached under the laws of the United States, are hereby excluded from the reservation hereby made.

R. B. HAYES.

EXECUTIVE MANSION, *July 13, 1883.*

It is hereby ordered that the Executive order dated March 18, 1879, withdrawing from sale and settlement and setting apart certain described lands north of and adjoining the White Earth Reservation in the State of Minnesota, as a reservation for Indian purposes, be, and the same is hereby, canceled, the lands embraced within said reservation not being required for the purposes for which they were set apart.

CHESTER A. ARTHUR.

Winnebagoshish [White Oak Point] Reserve.

EXECUTIVE MANSION, *October 29, 1873.*

It is hereby ordered that there be withdrawn from sale, entry, or other disposition, as an addition to the reservation provided for by the first article of the treaty with the Chippewas of the Mississippi, concluded March 19, 1867 (Stats. at Large, vol. 16, p. 719), for the use of the said Indians, a tract of country in the State of Minnesota, described and bounded as follows, viz:

Commencing at a point on the present eastern boundary of said Leech Lake Indian Reserve, where the section line between sections 11 and 14, and 10 and 15, of township 55 north, range 27 west of the fourth principal meridian, if extended west would intersect the same; thence east on said extended section line to section corner between sections 11, 12, 13 and 14; thence north on the section line between sections 11 and 12, and 1 and 2, all of the same township and range above mentioned, to the township line between townships 55 and 56 north; thence continuing north to a point 2 miles north of said township line; thence west to present eastern boundary of said Leech Lake Reserve; thence south on said boundary line, and with the same, to the place of beginning.

U. S. GRANT.

EXECUTIVE MANSION, *May 26, 1874.*

It is hereby ordered that there be withdrawn from sale, entry, or other disposition so much of the following tracts of country as are not already covered by treaty with the Chippewas, concluded February 22, 1855, and set apart for the use of the Pillager and Lake Winnebagoshish bands of said Indians, viz:

Commencing at a point where the Mississippi River leaves Lake Winnebagoshish, it being the beginning point of the second tract of land reserved for said bands (Stats. at Large, vol. 10, p. 1166); thence northeasterly to the point where the range line between ranges 25 and 26 west intersects the township line between townships 146 and 147 north; thence north on said range line to the twelfth standard parallel; thence west on said parallel to range line between ranges 28 and 29; thence south on said range line till it intersects the third river; thence down said river to its mouth; thence in a direct line to the place of beginning. Also, all the land embraced in township 143 north, range 29 west, in the State of Minnesota.

U. S. GRANT.

MONTANA.

Bitter Root Valley Reserve.

EXECUTIVE MANSION, *November 14, 1871.*

The Bitter Root Valley, above the Loo-lo fork, in the Territory of Montana, having been carefully surveyed and examined in accordance with the eleventh article of the treaty of July 16, 1855, concluded at Hell Gate, in the Bitter Root Valley between the United States and the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, which was ratified by the Senate, March 8, 1859, has proved, in the judgment of the President, not to be better adapted to the wants of the Flathead tribe than the general reservation provided for in said treaty; it is therefore deemed unnecessary to set apart any portion of said Bitter Root Valley as a separate reservation for Indians referred to in said treaty. It is therefore ordered and directed that all Indians residing in said Bitter Root Valley be removed as soon as practicable to the reservation provided for in the second article of said treaty, and that a just and impartial appraisement be made of any substantial improvements made by said Indians upon any lands of the Bitter Root Valley, such as fields inclosed and cultivated, and houses erected; that such appraisement shall distinguish between improvements made before the date of said treaty and such as have been subsequently made.

It is further ordered that, after the removal herein directed shall have been made, the Bitter Root Valley aforesaid shall be open to settlement.

It is further ordered that if any of said Indians residing in the Bitter Root Valley desire to become citizens and reside upon the lands which they now occupy, not exceeding in quantity what is allowed under the homestead and pre-emption laws to all citizens, such persons shall be permitted to remain in said valley, upon making known to the superintendent of Indian affairs for Montana Territory, by the 1st day of January, 1873, their intention to comply with these conditions.

U. S. GRANT.

Blackfeet Reserve.

[Occupied by Blackfeet, Blood, and Piegan tribes; area, 2,750 square miles; established by treaties of October 17, 1855, July 18, 1866, and July 13 and 15 and September 1, 1868 (unratified), and act of April 15, 1874 (18 Stat., 28), and act of May 1, 1888 (25 Stat., 129).]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, July 2, 1873.

The above diagram is intended to show a proposed reservation for the Gros Ventre, Piegan, Blood, Blackfeet, River Crow, and other Indians in the Territory of Montana. Said proposed reservation is indicated on the diagram by yellow colors, and is described as follows, viz:

Commencing at the northwest corner of the Territory of Dakota, being the intersection of the forty-ninth parallel of north latitude and the one hundred and fourth meridian of west longitude; thence south to the south bank of the Missouri River; thence up and along the south bank of said river to a point opposite the mouth of Medicine or Sun River; thence in a westerly direction, following the south bank of said Medicine or Sun River, as far as practicable, to the summit of the main chain of the Rocky Mountains; hence along said summit in a northerly direction to the north boundary of Montana; hence along said north boundary to the place of beginning, excepting and reserving therefrom existing military reservations.

I respectfully recommend that the President be requested to order that the lands comprised within the above-described limits be withheld from entry and settlement as public lands, and that the same be set apart as an Indian reservation, as indicated in my report to the Department of this date.

EDWARD P. SMITH, *Commissioner.*

DEPARTMENT OF THE INTERIOR, *July 3, 1873.*

Respectfully presented to the President with the recommendation that he make the order above proposed by the Commissioner of Indian Affairs.

W. H. SMITH, *Acting Secretary.*

EXECUTIVE MANSION, *July 5, 1873.*

It is hereby ordered that the tract of country, above described, be withheld from entry and settlement as public lands, and that the same be set apart as a reservation for the Gros Ventre, Piegan, Blood, Blackfeet, River Crow, and other Indians, as recommended by the Secretary of the Interior and Commissioner of Indian Affairs.

U. S. GRANT.

EXECUTIVE MANSION, *August 19, 1874*.

It is hereby ordered that all that tract of country, in Montana Territory, set apart by Executive order, dated July 5, 1873, and not embraced within the tract set apart by act of Congress, approved April 15, 1874, for the use and occupation of the Gros Ventre, Piegan, Blood, Blackfeet, River Crow, and other Indians, comprised within the following boundaries, viz:

Commencing at a point on the south bank of the Missouri River, opposite the mouth of the Marias River; thence along the main channel of the Marias River to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the main chain of the Rocky Mountains; thence along said summit in a southerly direction to a point opposite the source of the Medicine or Sun River; thence easterly to said source, and down the south bank of said Medicine or Sun River to the south bank of the Missouri River; thence down the south bank of the Missouri River to the place of beginning, be, and the same is hereby, restored to the public domain.

U. S. GRANT.

EXECUTIVE MANSION, *April 13, 1875*.

It is hereby ordered that the tract of country, in the Territory of Montana, lying within the following-described boundaries, viz:

Commencing at a point on the Musselshell River where the same is intersected by the forty-second parallel of north latitude; thence east with said parallel to the south bank of the Yellowstone River; thence down and with the south bank of said river to the south boundary of the military reservation at Fort Buford; thence west along the south boundary of said military reservation to its western boundary; thence north along said western boundary to the south bank of the Missouri River; thence up and with the south bank of said river to the mouth of the Musselshell River; thence up the middle of the main channel of said Musselshell River to the place of beginning, be, and the same hereby is, withdrawn from sale, and set apart as an addition to the present reservation for the Gros Ventre, Piegan, Blood, Blackfeet, and Crow Indians.

U. S. GRANT.

EXECUTIVE MANSION, *July 13, 1880*.

It is hereby ordered that the tract of country in the Territory of Montana, being a portion of the tract of country which was set aside by Executive order of the 13th April, 1875, as an addition to the then existing reservation for the Gros Ventre, Piegan, Blood, Blackfeet, and Crow Indians, known as the Blackfeet Reservation, and lying within the following-described boundaries, viz: Beginning at a point where the south boundary of the Fort Buford military reserve intersects the right bank of the Yellowstone River; thence according to the true meridian west along the south boundary of said military reserve to its western boundary; thence continuing west to the right bank of the Missouri River; thence up and along said right bank, with the meanders thereof, to the middle of the main channel of the Musselshell River; thence up and along the middle of the main channel of the Musselshell River, with the meanders thereof, to its intersection with the forty-seventh parallel of north latitude, thence east along said parallel to its intersection with the right bank of the Yellowstone River; thence down and along said right bank, with the meanders thereof, to the place of beginning, be, and the same hereby is, restored to the public domain.

R. B. HAYES.

Crow Reserve.

[Occupied by Mountain and River Crow; area, 5,475 square miles; established by treaty of May 7, 1868, and acts of April 11, 1882 (22 Stat., 42), July 10, 1882 (22 Stat., 157), March 3, 1891 (26 Stat., 1039), and agreement August 27, 1892. Report Commissioner of Indian Affairs, 1892, p. 748.]

EXECUTIVE MANSION, *October 20, 1875.*

It is hereby ordered that the tract of country, 20 miles in width, in the Territory of Montana, lying within the following-described boundaries, viz: Commencing at a point in the mid-channel of the Yellowstone River, where the one hundred and seventh degree of west longitude crosses the said river; thence up said mid-channel of the Yellowstone to the mouth of Big Timber Creek; thence up said creek 20 miles, if the said creek can be followed that distance; if not, then in the same direction continued from the source thereof to a point 20 miles from the mouth of said creek; thence eastwardly along a line parallel to the Yellowstone—no point of which shall be less than 20 miles from the river—to the one hundred and seventh degree west longitude; thence south to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the Crow tribe of Indians as an addition to their present reservation in said Territory, set apart in the second article of treaty of May 7, 1868 (Stat. at L., vol. 15, p. 650); provided that the same shall not interfere with the rights of any bona fide settlers who may have located on the tract of country herein described.

U. S. GRANT.

EXECUTIVE MANSION, *March 8, 1876.*

By an Executive order dated October 20, 1875, the following-described tract of country, situated in Montana Territory, was withdrawn from public sale and set apart for the use of the Crow tribe of Indians in said Territory to be added to their reservation, viz:

"Commencing at a point in the mid-channel of the Yellowstone River, where the one hundred and seventh degree of west longitude crosses the said river; thence up said mid-channel of the Yellowstone to the mouth of Big Timber Creek; thence up said creek 20 miles, if the said creek can be followed that distance; if not, then in the same direction continued from the source thereof to a point 20 miles from the mouth of said creek; thence eastwardly along a line parallel to the Yellowstone—no point of which shall be less than 20 miles from the river—to the one hundred and seventh degree west longitude; thence south to the place of beginning."

The said Executive order of October 20, 1875, above noted, is hereby revoked, and the tract of land therein described is again restored to the public domain.

U. S. GRANT.

WAR DEPARTMENT,
Washington City, November 27, 1886.

SIR: Upon the recommendation of the Lieutenant-General commanding the Army, I have the honor to request that the following-described tracts of land, in the Territory of Montana, embraced within the limits of the Crow Indian Reservation, created by treaty dated May 7, 1868, Executive orders dated respectively October 20, 1875, and March 8, 1876, and act of Congress approved July 10, 1882, may be duly declared and set apart by the Executive for military purposes, in connection with the post of Fort Custer, viz:

1.—*Post reservation.*

Commencing at the center stone of the parade ground of Fort Custer, Mont., and running thence due south 3 miles to the place of beginning on the southern boundary; thence due east 3 miles; thence due north 6 miles; thence due west 6 miles; thence due south 6 miles; thence due east 3 miles to the place of beginning. Area: 36 square miles.

2.—*National cemetery of Custer's battle-field.*

Reservation.—Commencing at a point 1,200 feet north 35 degrees west of Custer's monument, and running thence north 35 degrees east 1,200 feet; thence south 35 degrees east 1 mile; thence south 55 degrees west to the right bank of the Little Big Horn River; thence along said right bank to the prolongation of the western boundary; thence along said prolongation to the place of beginning. Area: 1 square mile.

3.—*Limestone reservation, near old Fort C. F. Smith, Mont.*

Commencing at a point 1,772 feet due north and 700 feet due east of the site of the flag-staff of the old post of Fort C. F. Smith, and running thence due south 1 mile and 5,206 feet; thence due west 2 miles; thence due north 1 mile and 4,470 feet to midstream of the Big Horn River; thence down said midstream to its intersection with the prolongation of the eastern boundary; thence along said prolongation to the place of beginning. Area: 3.48 square miles.

Tracings of the proposed reservations are inclosed herewith.

It appears that about thirteen Indian families have received allotments of land within the limits of the proposed reservation for the post of Fort Custer (No. 1), and the Department of the Interior reports that, with the distinct understanding "that these thirteen families shall not be disturbed, but shall be allowed to remain where they are now located, and to retain their present allotments of land and be permitted the free and unrestricted enjoyment thereof, unless they shall voluntarily release or abandon the same," that Department will interpose no objection to the declaration of the proposed reservation as herein requested.

I have the honor to be, sir, with great respect, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

The PRESIDENT.

EXECUTIVE MANSION,
Washington, December 7, 1886.

The within request is approved and the reservations are made and proclaimed accordingly; *Provided*, That the thirteen Indian families herein referred to shall not be disturbed, but shall be allowed to remain where they are now located and to retain their present allotments of land, and be permitted the free and unrestricted enjoyment thereof unless they shall voluntarily release or abandon the same.

The Secretary of the Interior will cause the proper notation to be made in the General Land Office.

GROVER CLEVELAND.

Fort Belknap Reserve.

[Occupied by Grosventre and Assiniboin tribes; area, 840 square miles; established by treaty October 17, 1855, and by acts and Executive orders, for which see "Blackfeet Reserve."]

Fort Peck Reserve.

[Occupied by Assiniboin, Brulé, Santee, Teton, Hunkpapa, and Yanktonai Sioux; area, 2,775 square miles; established by treaty, etc., see "Blackfeet Reserve."]

Jocko Reserve.

[In Flathead Agency; area, 2,240 square miles; occupied by Bitter Root, Carlos Band, Flathead, Kutenai, Lower Kalispel, and Pend d'Oreille; established by treaty July 16, 1855.]

Judith Basin Reserve (*Crow*).

EXECUTIVE MANSION, *January 31, 1874.*

It is hereby ordered that the following-described tract of country in the Territory of Montana, set apart as a reservation for the Crow tribe of Indians by the first article of an agreement concluded with the said Indians, August 16, 1873, subject to the action of Congress, be, and the same is hereby, withdrawn from sale and settlement, viz:

"Commencing at a point on the Missouri River opposite to the mouth of Shankin Creek; thence up the said creek to its head, and thence along the summit of the divide between the waters of Arrow and Judith Rivers and the waters entering the Missouri River, to a point opposite to the divide between the headwaters of the Judith River and the waters of the Muscle Shell River; thence along said divide to the Snowy Mountains, and along the summit of said Snowy Mountains, in a northeasterly direction, to a point nearest to the divide between the waters which run easterly to the Muscle Shell River and the waters running to the Judith River; thence northwardly along said divide to the divide between the headwaters of Armell's Creek and the headwaters of Dog River, and along said divide to the Missouri River; thence up the middle of said river to the place of beginning (the said boundaries being intended to include all the country drained by the Judith River, Arrow River, and Dog River)."

U. S. GRANT.

EXECUTIVE MANSION, *March 25, 1875.*

By the first article of an agreement made by and between Felix R. Brunot, E. Whittlesey, and James Wright, commissioners on behalf of the United States, and the chiefs, headmen, and men representing the tribe of Crow Indians, under date of August 16, 1873, the following-described tract of country was set apart, subject to ratification by Congress, as a reservation for the absolute and undisturbed use and occupation of the Indians herein named, viz: "Commencing at a point on the Missouri River opposite to the mouth of Shankin Creek, thence up the said creek to its head, and thence along the summit of the divide between the waters of Arrow and Judith Rivers and the waters entering the Missouri River, to a point opposite to the divide between the headwaters of the Judith River and the waters of the Muscle Shell River; thence along said divide to the Snowy Mountains, and along the summit of said Snowy Mountains in a northeasterly direction to a point nearest to the divide between the waters which run easterly to the

Muscle Shell River and the waters running to the Judith River; thence northwardly along said divide to the divide between the headwaters of Armell's Creek and the headwaters of Dog River, and along said divide to the Missouri River; thence up the middle of said river to the place of beginning (the said boundaries being intended to include all the country drained by the Judith River, Arrow River, and Dog River)."

Pending its ratification by Congress, an order was issued January 31, 1874, withdrawing said tract of country from sale or settlement.

Inasmuch as these Indians have not removed to this country, and it is not probable that they will ever make it their home, and as Congress has not taken any decisive action on said agreement, it is ordered that the order of January 31, 1874, be, and hereby is, canceled, and said tract of country restored to the public domain.

U. S. GRANT.

Northern Cheyenne Reserve.

[In Tongue River Agency; area, 765 square miles; established by Executive orders only.]

EXECUTIVE MANSION, *November 26, 1884.*

It is hereby ordered that the following-described country, lying within the boundaries of the Territory of Montana, viz: Beginning at the point on the one hundred and seventh meridian of west longitude (said meridian being the eastern boundary of the Crow Indian Reservation) where the southern 40-mile limits of the grant to the Northern Pacific Railroad Company intersects said one hundred and seventh meridian; thence south along said meridian to a point 30 miles south of the point where the Montana base line, when extended, will intersect said meridian; thence due east to a point 12 miles east of the Rosebud River; thence in a northerly and northeasterly direction, along a line parallel with said Rosebud River and 12 miles distant therefrom, to a point on the southern 40-mile limits of the grant to the Northern Pacific Railroad Company, 12 miles distant from said Rosebud River; thence westerly along the said southern limits and across the said Rosebud River to the place of beginning, be, and the same is hereby, withheld from sale and settlement, and set apart as a reservation for the use and occupation of the Northern Cheyenne Indians, now residing in the southern portion of Montana Territory, and such other Indians as the Secretary of the Interior may see fit to locate thereon: *Provided, however,* That any tract or tracts of land included within the foregoing described boundaries which have been located, resided upon, and improved by bona fide settlers, prior to the 1st day of October, 1884, to the amount to which such settlers might be entitled under the laws regulating the disposition of the public lands of the United States, or to which valid rights have attached under said laws, are hereby excluded from the reservation hereby made.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March 19, 1900.*

It is hereby ordered that the following-described tract of land lying in the State of Montana, the same being the tract described in Senate bill 2173, 56th Congress, 1st session, which tract includes the lands embraced in the boundaries set forth in Executive order issued November 26, 1884, relative to the Northern Cheyenne reserve, be, and the same is hereby, withdrawn from sale and settlement and set apart as a reservation for the permanent use and occupation of the Indians now occupying or belonging upon the Northern Cheyenne Reservation, which reservation shall be known as the Northern Cheyenne Indian Reservation, viz:

Beginning at the point in the middle of the channel of Tongue River at its intersection with the southern forty-mile limits of the grant to the Northern Pacific Railroad Company; thence west on the said southern forty-mile limits to its intersection with the eastern boundary line of the Crow Indian Reservation; thence south on said boundary line to its intersection with the line dividing townships five and six south; thence east on said dividing line of townships five and six south; to its intersection with the line dividing ranges forty and forty-one east; thence north on said line dividing ranges forty and forty-one east to the line dividing townships four and five south; thence east on the line dividing townships four and five south to its intersection with Cook Creek; thence down Cook Creek to its confluence with Tongue River; thence down the middle of the channel of Tongue River to the place of beginning: *Provided, however*, That if upon the survey or resurvey of the boundary lines already established it shall be found that the main stream of Cook Creek on or near the range line between ranges forty and forty-one lies south of the line dividing townships four and five south, then in that case the line running north on the range line between ranges forty and forty-one shall extend north only to the intersection of said line with the main stream of Cook Creek, and thence down Cook Creek as hereinbefore provided: *Provided further*, That in the erection of the reservation boundary fence along said Cook Creek the same shall be so erected as to divide the waters as near as may be between the north and south sides thereof: *Provided further*, That certain tracts approximating sixty-five acres, lying west of Tongue River, in sections twenty-six and thirty-four south, of range forty-three east, owned by Joseph Scott, and the northeast quarter of section three in township three south, of range forty-four east, belonging to Saint Labra's Mission, and the south half of the northwest quarter of section ten in township two south, of range forty-four east, belonging to R. P. Colbert, and the south half of section seven, in township two south, range forty-four east, belonging to John Barringer, shall be excepted from and not included within the reservation boundaries named.

WILLIAM MCKINLEY.

NEBRASKA.

Niobrara Reserve.

[In the Santee Agency; occupied by the Santee Sioux; established by act of March 3, 1863 (12 Stat., 819), and treaty April 29, 1868, article 6, paragraph 4.]

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 26, 1866.

SIR: I have the honor to submit herewith a letter addressed to this Department by the Commissioner of Indian Affairs, requesting the reservation from preemption or sale of townships 31 and 32 north, range 5 west, and townships 31 and 32 north, range 6 west of the principal sixth meridian, in Nebraska Territory, until the action of Congress be had, with a view to the setting apart of these townships as a reservation for the Santee Sioux Indians now at Crow Creek, Dakota; and recommend that you direct those lands to be withdrawn from market and held in reserve for the purpose indicated.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

The PRESIDENT OF THE UNITED STATES.

EXECUTIVE MANSION, *February 27, 1866.*

Let the lands within named be withdrawn from the market and reserved for the purposes indicated.

ANDREW JOHNSON,
President of the United States.

EXECUTIVE MANSION, *July 20, 1866*.

Let the townships embraced within the lines shaded *red* on the within diagram be, in addition to those heretofore withdrawn from sale by my order of 27th February last, reserved from sale and set apart as an Indian reservation for the use of Sioux Indians, as recommended by the Secretary of the Interior, in letter of July 19, 1866.

ANDREW JOHNSON,
President.

The above order embraces township 31 north, range 8 west; township 31 north, range 7 west; that portion of township 32 north, range 8 west, and of township 32 north, range 7 west, lying south of the Niobrara River, and that portion of township 35 north, range 5 west, lying south of the Missouri River in Nebraska.

[For diagram, see letter from the Commissioner of the General Land Office, dated November 23, 1878.]

(For executive order of March 20, 1867, see "South Dakota," ante page 896.)

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 15, 1867.

SIR: For the reasons mentioned in the accompanying copies of reports from the Acting Commissioner of Indian Affairs and the Commissioner of the General Land Office, dated, respectively, the 7th and 13th instant, I have the honor to recommend that you order the withdrawal from sale, and the setting apart for the use of the Santee Sioux Indians, the following-described tracts of land lying adjacent to the present Sioux Indian Reservation on the Niobrara and Missouri Rivers in Nebraska, viz: Township 32 north, of range 4 west of the sixth principal meridian, and fractional section 7, fractional section 16, fractional section 17, and sections 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, of fractional township No. 33 north, of range 4 west of the sixth principal meridian, be withdrawn from market, and that fractional township No. 32 north, of range 6 west of the sixth principal meridian, now a portion of the reservation, be restored to market.

I am, sir, very respectfully, your obedient servant.

O. H. BROWNING, *Secretary.*

The PRESIDENT.

NOVEMBER 16, 1867.

Let the within recommendations of the Secretary of the Interior be carried into effect.

ANDREW JOHNSON.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., August 28, 1869.

SIR: I have the honor to call your attention to the inclosed copy of a letter from Superintendent Samuel M. Janney, dated the 20th instant, relative to the reservation of the Santee Sioux Indians in Nebraska.

The lands at present withdrawn from sale for the purpose of this reservation are as follows:

	Acres.
Township 32 north, range 4, west of sixth principal meridian	23, 397. 96
So much of the west half of the fractional township 33 north, range 4 west, as lies south of the Missouri River	7, 571. 40
Township 31 north, range 5 west	22, 968. 64

	Acres.
Fractional township 32 north, range 5 west	21,601.41
So much of fractional township 33 north, range 5 west, as lies south of Missouri River	6,983.20
Fractional township 31 north, range 6 west	22,568.10
Fractional township 31 north, range 7 west	21,592.29
Fractional township 32 north, range 7 west	1,460.42
Fractional township 31 north, range 8 west	22,999.69
Fractional township 32 north, range 8 west	12,051.92
Making the total area of present reservation	165,195.03

The recommendation of Superintendent Janney, contained in his above-mentioned letter, is that the boundaries of the present reservation be changed as follows: That—

	Acres.
Township 31 north, range 4 west	22,968.61
So much of the east half of fractional township 33 north, range 4 west, as lies south of the Missouri River, viz, fractional sections 2, 3, 10, 11, 14, 15, section 22, fractional sections 23, 24, sections 25, 26, 27, 34, 35, 36	7,584.70
Total	30,553.31

be added to the present reservation, and that—

	Acres.
Fractional township 31 north, range 6 west	22,568.10
Fractional township 31 north, range 7 west	21,592.29
Fractional township 32 north, range 7 west	1,460.42
Fractional township 31 north, range 8 west	22,999.69
Fractional township 32 north, range 8 west	12,051.92
Total	80,672.42

be restored to market.

The additional lands which Superintendent Janney recommends to be added to the present reservation contain an area of 30,553.31 acres, and the lands which he recommends to be restored to market contain an area of 80,672.42 acres. The reservation, therefore, if readjusted in this manner, will contain a total area of 115,075.92 acres.

I am of opinion that this change should be made, and respectfully recommend, should you approve, that the President be requested to direct that township 31 north, range 4 west of the sixth principal meridian, and so much of the east half of fractional township 33 north, range 4 west, as lies south of the Missouri River, viz, fractional sections 2, 3, 10, 11, 14, 15, section 22, fractional sections 23, 24, sections 25, 26, 27, 34, 35, and 36, be withdrawn from market and added to the present reservation; and that fractional township 31 north, range 6 west of the sixth principal meridian; fractional township 31 north, range 7 west of the sixth principal meridian; fractional township 32 north, range 7 west of the sixth principal meridian; fractional township 31 north, range 8 west of the sixth principal meridian, fractional townships 32 north, range 8 west of the sixth principal meridian, which is a portion of the land previously withdrawn from sale by the President's order of July 20, 1866, be restored to market, this being in accordance with the recommendation of Superintendent Janney, as above stated.

I transmit herewith a plat showing the boundaries of the present reservation, and the proposed changes of the same, which you will please to have returned to this office.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. W. T. OTTO,
Acting Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 31, 1869.

SIR: I have the honor to transmit herewith a report of the Commissioner of Indian Affairs of the 28th instant, and accompanying papers, in relation to proposed changes in the Santee Sioux Indian Reservation, as therein suggested, and respectfully recommend that the President order the restoration to market of certain lands designated in the Commissioner's report, and the withdrawal from sale of the lands therein described.

With great respect, your obedient servant,

J. D. COX, *Secretary.*

WASHINGTON, *August 31, 1869.*

The within recommendation of the Secretary of the Interior is hereby approved, and the necessary action will be taken to carry it into effect.

U. S. GRANT.

EXECUTIVE MANSION, *December 31, 1873.*

It is hereby ordered that Executive order, dated August 31, 1869, adding certain lands to the Santee Sioux Indian Reservation in Nebraska, be, and the same is hereby, amended so as to exempt from its operation lots 1, 2, 3, and 4 of section 3, township 32, range 4, previously patented to Thomas J. Quinn, on Sioux half-breed scrip No. 349 D.

U. S. GRANT.

EXECUTIVE MANSION, *February 9, 1885.*

It is hereby ordered that all the lands within the Niobrara or Santee Sioux Indian Reservation, in the State of Nebraska, remaining unallotted to, and unselected by, the Indians of said reservation under the act of March 3, 1863, and the Sioux treaty of April 29, 1868, respectively, on the 15th day of April, 1885, except such as are occupied for agency, school, and missionary purposes, be, and the same are hereby, restored to the public domain from and after that date and made subject to settlement and entry on and after May 15, 1885.

CHESTER A. ARTHUR.

Omaha Reserve.

[Area, 234 square miles; established by treaty March 16, 1854, March 6, 1865, and acts of June 10, 1872 (17 Stat., 391), June 22, 1874 (18 Stat., 170), August 7, 1882 (22 Stat., 341), and March 3, 1893 (27 Stat., 612).]

Ponca Reserve.

[In Santee agency; established by treaty March 12, 1858, March 10, 1865, and act of March 2, 1889 (25 Stat., 888).]

Sioux Reserve.

[In Pine Ridge agency; occupied by Oglala Sioux; area, 50 square miles.]

EXECUTIVE MANSION, *January 24, 1882.*

It is hereby ordered that the following-described tract of country in the State of Nebraska, viz: Beginning at a point on the boundary line between the State of Nebraska and the Territory of Dakota, where the range line between ranges 44 and 45 west of the sixth principal meridian, in the Territory of Dakota, intersects said boundary line; thence east along said boundary line 5 miles; thence due south 5 miles; thence due west 10 miles; thence due north to said boundary line; thence due east along said boundary line to the place of beginning, be, and the same is hereby, withdrawn from sale and set aside as an addition to the present Sioux Indian Reservation in the Territory of Dakota.

This order of reservation to continue during the pleasure of the President.

Chester A. Arthur.

Winnebago Reserve.

[Area, 43 square miles; established by act of February 21, 1863 (12 Stat., 658), June 22, 1874 (18 Stat. 170), and treaty March 8, 1865.]

NEVADA.

Carlin Farms Reserve.

Executive Mansion, *May 10, 1877.*

It is hereby ordered that all that tract of country in the State of Nevada (known as the Carlin Farms), lying within the following boundaries, viz: Beginning at the quarter-section corner post on the west boundary of section 6, township 35 north, range 52 east, Mount Diablo meridian; thence south 62 degrees 56 minutes east 4,229¼ feet, to a post marked "U. S. I. R. station B;" thence north 2 degrees 4 minutes east 1,928 feet to a post marked "U. S. I. R. station C;" thence north 3 degrees 9 minutes west 2,122 feet to a post marked "U. S. I. R. station D;" thence south 85 degrees 8 minutes west 3,000 feet to a post marked "U. S. I. R. station E;" thence north 52 degrees 32 minutes west 4,046 feet to a post marked "U. S. I. R. station F;" thence north 39 degrees 25 minutes west 1,200 feet to a post marked "U. S. I. R. station G;" thence south 44 degrees 10 minutes west 2,200 feet to a post marked "U. S. I. R. station H;" thence south 44 degrees 29 minutes east 2,663 feet to a post marked "U. S. I. R. station I;" thence south 58 degrees 57 minutes east 2,535 feet to a post marked "U. S. I. R. station K;" thence south 59 degrees 29 minutes east 878 feet to a post marked "U. S. I. R. station A," the place of beginning, containing 521.61 acres, be, and the same hereby is, withdrawn from sale or settlement, and set apart as a reservation for the Northwestern Shoshone Indians.

R. B. Hayes.

Executive Mansion, *January 16, 1879.*

It is hereby ordered that the order of May 10, 1877, setting apart as a reservation for the Northwestern Shoshone Indians of Nevada the following-described lands (known as the Carlin Farms), viz: Beginning at the quarter-section corner post on the west boundary of section 6, township 35 north, range 52 east, Mount Diablo meridian; thence south 62 degrees 56 minutes east 4,229¼ feet to a post marked "U. S. I. R. station B;" thence north 2 degrees 4 minutes east 1,928 feet to a post marked "U. S. I. R. station C;" thence north 3 degrees 9 minutes west 2,122 feet to a post marked "U. S. I. R. station D;" thence south 85 degrees 8 minutes west 3,000 feet to a post marked "U. S. I. R. station E;" thence north 52 degrees 32 minutes west 4,046 feet to a post marked

"U. S. I. R. station F;" thence north 39 degrees 25 minutes west 1,200 feet to a post marked "U. S. I. R. station G;" thence south 44 degrees 10 minutes west 2,200 feet to a post marked "U. S. I. R. station H;" thence south 44 degrees 29 minutes east 2,663 feet to a post marked "U. S. I. R. station I;" thence south 58 degrees 57 minutes east 2,535 feet to a post marked "U. S. I. R. station K;" thence south 59 degrees 29 minutes east 878 feet to a post marked "U. S. I. R. station A," the place of beginning, be, and the same is hereby, canceled and the said lands are restored to their original status.

R. B. HAYES.

Duck Valley Reserve.

[Western Shoshone Agency; occupied by Paiute and Western Shoshoni; area, 488 square miles.]

EXECUTIVE MANSION, *April 16, 1877.*

It is hereby ordered that the following-described tract of country, situated partly in the Territory of Idaho and partly in the State of Nevada, be, and the same hereby is, withdrawn from the public domain, to wit: Commencing at the one hundredth mile-post of the survey of the north boundary of Nevada; thence due north to the intersection of the north boundary of township 16 south of Boisé base-line in Idaho; thence due west to a point due north of the one hundred and twentieth mile-post of said survey of the north boundary of Nevada; thence due south to the ninth standard parallel north of the Mount Diablo base-line in Nevada; thence due east to a point due south of the place of beginning; thence north to the place of beginning. And the above-named tract of land is hereby set apart as a reservation for the Western Shoshone Indians, subject to such modifications of boundary as a location of limits shall determine.

R. B. HAYES.

EXECUTIVE MANSION, *May 4, 1886.*

It is hereby ordered that the following-described lands in the Territory of Idaho, viz: Township 15 south, ranges 1, 2, and 3, east of the Boisé meridian, be, and the same are hereby, withdrawn from sale and settlement and set apart as an addition to the Duck Valley Reservation, for the use and occupation of the Paddy Caps band of Pi-Utes and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided, however,* That any tract or tracts of land within said townships, the title to which has passed out of the United States, or to which valid homestead or pre-emption rights have attached under the laws of the United States, prior to this date, are hereby excluded from the operations of this order.

GROVER CLEVELAND.

Moapa River Reserve.

[Formerly called Muddy Valley Reserve. Nevada Agency; occupied by Chemehuevi, Kaibab, Pawipit, Paiute, and Shivwits; area, 1½ square miles; act of March 18, 1875 (18 Stat., 445).]

EXECUTIVE MANSION, *March 12, 1873.*

Agreeably to the recommendation contained in the foregoing letter of the Secretary of the Interior of this day, the following-described lands in the southeastern part of Nevada are hereby set apart for the use of the Indians in that locality: Commencing at a point on the north bank of the Colorado River where the eastern line of Nevada strikes the same; running thence due north with said eastern line to a point far enough north from which a line running due west will pass one mile north of Muddy Springs; running due west from said point to the one hundredth and fifteenth meridian of west longitude; thence south with said meridian to a point due west from the place of beginning; thence due east to the west bank of the Colorado River; thence following the west and north bank of the same to the place of beginning.

U. S. GRANT

EXECUTIVE MANSION, *February 12, 1874.*

In lieu of an Executive order dated the 12th of March last, setting apart certain lands in Nevada as a reservation for the Indians of that locality, which order is hereby canceled, it is hereby ordered that there be withdrawn from sale or other disposition, and set apart for the use of the Pah-Ute and such other Indians as the Department may see fit to locate thereon, the tract of country bounded and described as follows, viz:

Beginning at a point in the middle of the main channel of the Colorado River of the West, 8 miles east of the one hundred and fourteenth degree of west longitude; thence due north to the thirty-seventh degree of north latitude; thence west with said parallel to a point 20 miles west of the one hundred and fifteenth degree of west longitude; thence due south 35 miles; thence due east 36 miles; thence due south to the middle of the main channel of the Colorado River of the West; thence up the middle of the main channel of said river to the place of beginning.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 23, 1875.

SIR: By the terms of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes," approved March 3, 1875, the Pai-Ute Reservation in southeastern Nevada is reduced to "one thousand acres, to be selected by the Secretary of the Interior, in such manner as not to include the claim of any settler or miner."

I have the honor to submit herewith a report from William Vandever, United States Indian inspector, dated San Francisco, Cal., June 12, 1875, under office instructions of 26th of March last, submitting a report of the selection of the 1,000 acres (to which the Pai-Ute Reservation in southeast Nevada was reduced) made by Messrs. Bateman and Barnes, United States Indian agents in Nevada, under his instructions of April 12, 1875, which selection having met his approval, he forwards, with the recommendation that the following metes and bounds be established and proclaimed by Executive order as the boundaries of the Pai-Ute Reservation in southeastern Nevada, as contemplated by said act of Congress, viz:

Commencing at a stone set in the ground, extending 3 feet above, whereon is cut "U. S. No. 1," which stone marks the northeast corner of the reservation, standing on a small hill known as West Point, and set 18 feet in a northeasterly direction from the corner of a building designated as the office and medical depository located on said reservation and running thence north 60 degrees west 80 chains to a stone upon which is cut "U. S. No. 2;" thence north 70 degrees west 97 chains to a stone upon which is cut "U. S. No. 3;" thence south

56 chains and 50 links to a monument of stones on the top of a hill; thence south 70 degrees east 97 chains to a monument of stones at the base of a hill; thence south 60 degrees east 80 chains to a stone set in the ground rising 2 feet above, upon which is cut "U. S., S. E. corner;" thence north 56 chains and 50 links to place of beginning.

The act in question provides that the reservation shall not include any claim of settler or miner, yet the lands described above include the claim of Volney Rector. Inasmuch, however, as Inspector Vandever reports the improvements of Mr. Rector to be just what are required for the agency, and that Mr. Rector has relinquished the possession thereof to the United States for $1,800, the appraised value of two years ago, made by Commissioners Ingalls and Powell, I deem the law to have been complied with, and therefore submit the selection herein made for your approval, with the suggestion, if approved by you, that the lands herein selected be set apart for the Pai-Ute Indians.

The return of the letter of Inspector Vandever is herewith requested, with your directions in the premises.

Very respectfully, your obedient servant,

H. R. CLUM, *Acting Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 3, 1875.

SIR: I return the report of William Vandever, United States Indian inspector, which accompanied your communication of the 28th ultimo, in which are defined the boundaries of the Pai-Ute Reservation in southeastern Nevada, embracing 1,000 acres, to which area said reserve was by act of March 3, 1875, declared to be reduced; the land to be selected by the Secretary of the Interior.

The selection of the tract of country described in the report of Inspector Vandever is approved, and hereby set apart as a reservation for the Pai-Ute Indians.

Very respectfully,

C. DELANO, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

Pyramid Lake, or Truckee Reserve.

[In Nevada Agency; occupied by Paiute; area, 503¼ square miles.]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, November 29, 1859.

SIR: My attention has been called, by a letter of the 25th inst. from F. Dodge, esq., agent for the Indians in Utah Territory, now in this city, to the consideration of the propriety and necessity for reserving from sale and settlement, for Indian use, a tract of land in the northern portion of the valley of the Truckee River, including Pyramid Lake, and a tract in the northeastern part of the valley of Walker's River, including Walker's Lake, as indicated by the red coloring upon the inclosed map, and, fully concurring in the suggestion of Agent Dodge respecting this subject, I have to request that you will direct the surveyor-general of Utah Territory to respect said reservations upon the plats of survey when the public surveys shall have been extended over that part of the Territory, and in the mean time that the proper local land officers may be instructed to respect the reservations upon the books of their offices when such offices shall have been established.

Very respectfully, your obedient servant,

A. B. GREENWOOD, *Commissioner.*

Hon. SAMUEL A. SMITH,
Commissioner General Land Office.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 21, 1874.

SIR: I have the honor to present herewith a communication, dated the 20th instant, from the Commissioner of Indian Affairs, together with the accompanying map, showing the survey made by Eugene Monroe, in January, 1865, of the Pyramid Lake Indian Reservation in Nevada, and respectfully recommend that the President issue an order, withdrawing from sale or other disposition, and setting apart said reservation or tract of country for the use and occupation of Pah-Ute and other Indians now occupying the same.

The form of order necessary in the premises is engrossed on the inclosed map.

I have the honor to be, very respectfully, your obedient servant,

C. DELANO, *Secretary.*

The PRESIDENT.

EXECUTIVE MANSION, *March 23, 1874.*

It is hereby ordered that the tract of country known and occupied as the Pyramid Lake Indian Reservation in Nevada, as surveyed by Eugene Monroe, in January, 1865, and indicated by red lines, according to the courses and distances given in tabular form on accompanying diagrams, be withdrawn from sale or other disposition, and set apart for the Pah-Ute and other Indians residing thereon.

U. S. GRANT.

Walker River Reserve.

[See Pyramid Lake Reserve. Nevada Agency; area, [illegible] square miles; occupied by Paiute.]

DEPARTMENT OF THE INTERIOR,
Washington, March 18, 1874.

SIR: I have the honor to present herewith a communication dated the 17th instant from the Commissioner of Indian Affairs, together with the accompanying map showing the survey made by Eugene Monroe in December, 1864, of the Walker River Reservation in Nevada, and respectfully recommend that the President issue an order withdrawing from sale or other disposition and setting apart said reservation or tract of country for the use and occupation of the Pah-Ute Indians located thereon.

The form of order necessary in the premises is engrossed on the inclosed map.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

The PRESIDENT.

EXECUTIVE MANSION, *March 19, 1874.*

It is hereby ordered that the reservation situated on Walker River, Nevada, as surveyed by Eugene Monroe, December, 1864, and indicated by red lines on the above diagram in accordance with the fifteen courses and distances thereon given, be withdrawn from public sale or other disposition and set apart for the use of the Pah-Ute Indians residing thereon.

U. S. GRANT.

NEW MEXICO.

Bosque Redondo Reserve.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, January 14, 1864.

SIR: My attention has been called by Superintendent Steck, of New Mexico, to the necessity of designating a tract of land in New Mexico 40 miles square, with Bosque Redondo as the center, as a reservation for the Apache Indians.

In a former letter to this office, a copy of which was transmitted to you with report thereon, under date of December 16, 1863, Superintendent Steck speaks of the proposed reservation as well adapted to Indian purposes, for a limited number. Mr. Steck estimates the number of Apaches to be about 3,000, and the quantity of arable land within the boundaries of the proposed reservation at not exceeding 6,000 acres. Surveyor-General Clark, of New Mexico, in a letter to Mr. Steck, a copy of which was transmitted to you with the report before mentioned, makes the same estimate as to the quantity of arable land within 40 miles square, with Bosque Redondo as a center.

Owing to the fact that the arable land lies along the water courses it seems to be necessary that the area of the reservation should be as large as that proposed by Mr. Steck in order to suitably accommodate the estimated number of Apaches, and isolate them as far as possible from the whites.

For the reasons given by Mr. Steck in his letter before referred to, as well as for those given in his annual report for 1863, to both of which reference is had, should you concur in the propriety of reserving the tract of land mentioned for the use of the Apaches, I would respectfully recommend that the subject be laid before the President, with the recommendation that the same may be withheld from pre-emption and settlement, and under his proclamation be set apart for Indian purposes.

Very respectfully, your obedient servant,
WILLIAM P. DOLE, *Commissioner.*

Hon. JOHN P. USHER,
Secretary of the Interior.

[First indorsement.]

DEPARTMENT OF THE INTERIOR, *January 15, 1864.*

Respectfully laid before the President, with the recommendation that the reservation be set apart for the purposes herein indicated.

J. P. USHER, *Secretary.*

[Second indorsement.]

Approved January 15, 1864.

A. LINCOLN.

(See report of General Land Office for 1873, page 103, and act of Congress approved February 24, 1871 (16 Stats., page 34), relative to its abandonment.)

Fort Stanton Indian Reserve. (*Mescalero Apache.*)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, May 23, 1873.

The above diagram is intended to show a proposed reservation for the Mescalero band of Apache Indians in New Mexico; said proposed reservation is indicated on the diagram by the red lines bordered with yellow, and is described as follows, viz:

Commencing at the southwest corner of the Fort Stanton reduced military reservation, and running thence due south to a point on the hills near the north bank of the Rio Rindoso; thence along said hills to a point above the settlements; thence across said river to a point on the opposite hills, and thence to the same line upon which we start from Fort Stanton; and thence due south to the thirty-third degree north latitude; thence to the top of the Sacramento Mountains, and along the top of said mountains to the top of the White Mountains; thence along the top of said mountains to the headwaters of the Rio Nogal, to a point opposite the starting point, and thence to the starting point.

I respectfully recommend that the President be requested to order that the land comprised within the above-described limits be withheld from entry and settlement as public lands, and that the same be set apart as an Indian reservation, as indicated in my report to the Department of this date.

EDW. P. SMITH, *Commissioner.*

DEPARTMENT OF THE INTERIOR, *May 26, 1873.*

Respectfully presented to the President, with the recommendation that he make the order above proposed by the Commissioner of Indian Affairs.

C. DELANO, *Secretary.*

EXECUTIVE MANSION, *May 29, 1873.*

It is hereby ordered that the tract of country above described be withheld from entry and settlement as public lands, and that the same be set apart as a reservation for the Mescalero Apache Indians, as recommended by the Secretary of the Interior and Commissioner of Indian Affairs.

U. S. GRANT.

EXECUTIVE MANSION, *February 2, 1874.*

In lieu of an Executive order dated the 29th day of May last, setting apart certain lands in New Mexico as a reservation for the Mescalero Apaches, which order is hereby canceled, it is hereby ordered that there be withdrawn for sale or other disposition, and set apart for the use of said Mescalero Apaches and such other Indians as the Department may see fit to locate thereon, the tract of country in New Mexico (except so much thereof as is embraced in the Fort Stanton reduced military reservation) bounded as follows, viz:

Beginning at the most northerly point of the Fort Stanton reduced military reservation; thence due west to the summit of the Sierra Blanca Mountains; thence due south to the thirty-third degree north latitude; thence due east to a point due south of the most easterly point of the said Fort Stanton reduced military reservation; thence due north to the southern boundary of township 11; thence due west to the southwest corner of township 11, in range 13; thence due north to the second correction line south; thence due east along said line to a point opposite the line running north from the thirty-third degree north latitude; thence due north to the most easterly point of said Fort Stanton reduced military reservation; thence along the northeastern boundary of said military reservation to the place of beginning.

U. S. GRANT.

EXECUTIVE MANSION, *October 20, 1875.*

In lieu of Executive order dated February 2, 1874, setting apart certain lands in New Mexico as a reservation for the Mescalero Apaches, which order is hereby canceled, it is hereby ordered that there be withdrawn from sale or other disposition, and set apart for the use of said Mescalero Apaches, and such other Indians as the Department may see fit to locate thereon, the tract of country in New Mexico (except so much thereof as is embraced in the Fort Stanton reduced military reservation) bounded as follows:

Beginning at the most northerly point of the Fort Stanton reduced military reservation; running thence due west to a point due north of the northeast corner of township 14 south, range 10 east; thence due south along the eastern boundary of said township to the thirty-third degree north latitude; thence due east on said parallel to a point due south of the most easterly point of the said Fort Stanton reduced military reservation; thence due north to the southern boundary of township 11; thence due west to the southwest corner of township 11, in range 13; thence due north to the second correction line south; thence due east along said line to a point opposite the line running north from the thirty-third degree north latitude; thence due north to the most easterly point of said Fort Stanton reduced military reservation; thence along the northeastern boundary of said military reservation to the place of beginning.

U. S. GRANT.

EXECUTIVE MANSION, *May 19, 1882.*

In lieu of Executive order dated October 20, 1875, setting apart certain lands in New Mexico as a reservation for the Mescalero Apaches, which order is hereby canceled, it is hereby ordered that there be withdrawn from sale or other disposition, and set apart for the use of the said Mescalero Apaches and such other Indians as the Department may see fit to locate thereon, the tract of country in New Mexico bounded as follows:

Beginning at the northeast corner of township 12 south, range 16 east of the principal meridian in New Mexico; thence west along the north boundary of township 12 south, ranges 16, 15, 14, and 13 east, to the southeast corner of township 11 south, range 12 east; thence north along the east boundary of said township to the second correction line south; thence west along said correction line to the northwest corner of township 11 south, range 11 east; thence south along the range line between ranges 10 and 11 east to the southwest corner of township 12 south, range 11 east; thence east along the south boundary of said township to the southeast corner thereof; thence south along the range line between ranges 11 and 12 east to the thirty-third degree of north latitude, as established and marked on the ground by First Lieut. L. H. Walker, Fifteenth Infantry, U. S. Army, in compliance with Special Orders No. 100, Series of 1875, Headquarters, District of New Mexico; thence east along said thirty-third degree of north latitude to its intersection with the range line between ranges 16 and 17 east; thence north along said range line to the place of beginning.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March 24, 1883.*

In lieu of Executive order dated May 19, 1882, setting apart certain lands in New Mexico as a reservation for the Mescalero Apaches, which order is hereby canceled, it is hereby ordered that there be withdrawn from sale or other disposition and set apart for the use of the said Mescalero Apaches and such other Indians as the Secretary of the Interior may see fit to locate thereon, the tract of country in New Mexico bounded as follows:

Beginning at the northeast corner of township 12 south, range 16 east of the principal meridian in New Mexico; thence west along the north boundary of township 12 south, ranges 16, 15, 14, and 13 east to the southeast corner of township 11 south, range 12 east; thence north along the east boundary of said township to the second correction line south; thence west along said correction line 12 miles; thence south 12 miles; thence east 6 miles; thence south to the thirty-third degrees of north latitude, as established and marked on the ground by First Lieut. L. H. Walker, Fifteenth Infantry, U. S. Army, in compliance with Special Orders No. 100, Series of 1875, Headquarters District of New Mexico; thence east along said thirty-third degree of north latitude to its intersection with the range line between ranges 16 and 17 east; thence north along said range line to place of beginning.

CHESTER A. ARTHUR.

Gila Reserve.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, May 14, 1860.

SIR: This office having signified to Agent Steck its approbation of the establishment of a reservation in New Mexico for the Gila Apaches, including the Miembres, Mogolton, and Chilicayia bands of that tribe, he suggests the following boundaries for the same, viz: "Commencing at Santa Lucia Springs and running north 15 miles; thence west 15 miles; thence south 15 miles; thence east 15 miles to the place of beginning."

Agent Steck has been directed to have the boundaries of the reserve, as indicated by him, run out and marked, and to give notice thereof to the surveyor-general of New Mexico.

I have, therefore, to request that you will give instructions to that officer to respect the said reserve when in the progress of the public surveys he comes to connect them with the external boundaries of said reserve.

Very respectfully, your obedient servant,

A. B. GREENWOOD, *Commissioner.*

Hon. JOSEPH S. WILSON,
Commissioner General Land Office.

(Occupied for a short time only and then abandoned. See Land Office Report for 1872, page 128.)

Hot Springs Reserve.

EXECUTIVE MANSION, *April 9, 1874.*

It is hereby ordered that the following-described tract of country in the Territory of New Mexico be, and the same is hereby, withdrawn from sale and reserved for the use and occupation of such Indians as the Secretary of the Interior may see fit to locate thereon, as indicated in this diagram, viz:

Beginning at the ruins of an ancient pueblo in the valley of the Cañada Alamosa River, about 7 miles above the present town of Cañada Alamosa, and running thence due east 10 miles; thence due north 25 miles; thence due west 30 miles; thence due south 25 miles; thence due east 20 miles to the place of beginning.

U. S. GRANT.

EXECUTIVE MANSION, *December 21, 1875.*

It is hereby ordered that the tract of country in the Territory of New Mexico, lying within the following-described boundaries, viz:

Beginning at a point on the east side of the Cañada about 1,000 yards directly east of the ruins of an ancient pueblo in the valley of Cañada Alamosa River—about 7 miles above the town of Cañada Alamosa, and running thence due north 20 miles to a point; thence due west 20 miles to a point; thence due south 35 miles to a point; thence due east 20 miles to a point due south of the place of beginning; thence due north to the place of beginning, be, and the same is hereby, withdrawn from sale and set apart for the use and occupancy of the Southern Apache and such other Indians as it may be determined to place thereon, to be known as the "Hot Springs Indian Reservation;" and all that portion of country set apart by Executive order of April 9, 1874, not embraced within the limits of the above-described tract of country, is hereby restored to the public domain.

U. S. GRANT.

EXECUTIVE MANSION, *August 25, 1877.*

It is hereby ordered that the order of December 21, 1875, setting apart the following lands in New Mexico as the Hot Springs Indian Reservation, viz: Beginning at a point on the east side of the Cañada, about 1,000 yards directly east of the ruins of an ancient pueblo in the valley of Cañada Alamosa River, about 7 miles above the town of Cañada Alamosa, and running thence due north 20 miles to a point; thence due west 20 miles to a point; thence due south 35 miles to a point; thence due east 20 miles to a point due south of the place of beginning; thence due north to the place of beginning, be, and the same is hereby, canceled, and said lands are restored to the public domain.

R. B. HAYES.

Jicarilla Apache Reserve.

[Pueblo Agency; area, 447½ square miles.]

EXECUTIVE MANSION, *March 25, 1874.*

It is hereby ordered that the following-described tract of country in the Territory of New Mexico, set apart as a reservation for the Jicarilla Apache Indians by the first article of an agreement concluded with the said Indians December 10, 1873, subject to the action of Congress, be, and the same is hereby, withdrawn from sale and settlement, viz: Commencing at a point where the headwaters of the San Juan River crosses the southern boundary of the Territory of Colorado, following the course of said river until it intersects the eastern boundary of the Navajo Reservation; thence due north along said eastern boundary of the Navajo Reservation to where it intersects the southern boundary line of the Territory of Colorado; thence due east along the said southern boundary of the Territory of Colorado to the place of beginning.

U. S. GRANT.

EXECUTIVE MANSION, *July 18, 1876.*

It is hereby ordered that the order of March 25, 1874, setting apart the following-described lands in the Territory of New Mexico as a reservation for the Jicarilla Apache Indians, viz: "Commencing at a point where the headwaters of San Juan River crosses the southern boundary of the Territory of Colorado, following the course of said river until it intersects the eastern boundary of the Navajo Reservation; thence due north along said eastern boundary of the Navajo Reservation to where it intersects the southern boundary line of the Territory of Colorado; thence due east along the said southern boundary of the Territory of Colorado, to the place of beginning," be, and the same is hereby, canceled, and said lands are restored to the public domain.

U. S. GRANT.

EXECUTIVE MANSION, *September 21, 1880.*

It is hereby ordered that the tract of country in the Territory of New Mexico, lying within the following-described boundaries, viz: Beginning at the southwest corner of the Mexican grant known as the "Tierra Amarilla grant," as surveyed by Sawyer and McBroom in July, 1876; and extending thence north with the western boundary of said survey of the Tierra Amarilla grant to the boundary line between New Mexico and Colorado; thence west along said boundary line 16 miles; thence south to a point due west from the aforesaid southwest corner of the Tierra Amarilla grant; and thence east to the place of beginning, be, and the same is hereby, withheld from entry and settlement as public lands, and that the same be set apart as a reservation for the Jicarilla Apache Indians.

R. B. HAYES.

EXECUTIVE MANSION, *May 15, 1884.*

It is hereby ordered that the tract of country in the Territory of New Mexico set apart as a reservation for the Jicarilla Apache Indians by Executive order dated September 21, 1880, be, and the same hereby is, restored to the public domain.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February 11, 1887.*

It is hereby ordered that all that portion of the public domain in the Territory of New Mexico which, when surveyed, will be embraced in the following townships, viz:

27, 28, 29, and 30 north, ranges 1 east, and 1, 2, and 3 west; 31 and 32 north, ranges 2 west and 3 west, and the south half of township 31 north, range 1 west, be, and the same is hereby, set apart as a reservation for the use and occupation of the Jicarilla Apache Indians: *Provided*, That this order shall not be so construed as to deprive any bona fide settler of any valid rights he may have acquired under the law of the United States providing for the disposition of the public domain.

GROVER CLEVELAND.

Navaho Reserve.

EXECUTIVE MANSION, *October 29, 1878.*

It is hereby ordered that the tract of country in the Territory of Arizona lying within the following-described boundaries, viz: Commencing at the northwest corner of the Navajo Indian Reservation, on the boundary line between the Territories of Arizona and Utah; thence west along said boundary line to the one hundred and tenth degree of longitude west; thence south along said degree to the thirty-sixth parallel of latitude north; thence east along said parallel to the west boundary of the Navajo Reservation; thence north along said west boundary to the place of beginning, be, and the same hereby is, withdrawn from sale and settlement and set apart as an addition to the present reservation for the Navajo Indians.

R. B. HAYES.

EXECUTIVE MANSION, *January 6, 1880.*

It is hereby ordered that the following-described country lying within the boundaries of the Territories of New Mexico and Arizona, viz: Commencing in the middle of the channel of the San Juan River, where the east line of the Navajo Reservation in the Territory of New Mexico, as established by the treaty of June 1, 1868 (15 Stat., 667), crosses said river; thence up and along the middle channel of said river to a point 15 miles due east of the eastern boundary line of said reservation; thence due south to a point due east of the present southeast corner of said reservation; thence due south 6 miles; thence due west to the one hundred and tenth degree of west longitude; thence north along said degree to the southwest corner of said reservation in the Territory of Arizona, as defined by Executive order dated October 29, 1878, be, and the same is hereby, withdrawn from sale and settlement and set apart as an addition to the present Navajo Reservation in said Territories.

R. B. HAYES.

EXECUTIVE MANSION, *Washington, May 17, 1884.*

It is hereby ordered that the Executive order dated January 6, 1880, adding certain lands to the Navajo Reservation, in New Mexico and Arizona Territory, be, and the same is hereby, amended so as to exempt from its operation and exclude from said reservation all those portions of townships 29 north, ranges 14, 15, and 16 west of the New Mexico principal meridian, south of the San Juan River, in the Territory of New Mexico.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, D. C., May 17, 1884.*

It is hereby ordered that the following-described lands in the Territories of Arizona and Utah be, and the same are, withheld from sale and settlement and set apart as a reservation for Indian purposes, viz:

Beginning on the one hundred and tenth degree of west longitude at 36 degrees and 30 minutes north latitude (the same being the northeast corner of the Moqui Indian Reservation); thence due west to the one hundred and eleventh degree thirty minutes west longitude; thence due north to the middle of the channel of the Colorado River; thence up and along the middle of the channel of said river to its intersection with the San Juan River, thence up and along the middle channel of San Juan River to west boundary of Colorado (32 degrees west longitude, Washington meridian); thence due south to the thirty-seventh parallel north latitude; thence west along said parallel to the one hundred and tenth degree of west longitude; thence due south to place of beginning: *Provided*, That any tract or tracts within the region of country described as aforesaid which are settled upon or occupied, or to which valid rights have attached under existing laws of the United States prior to date of this order, are hereby excluded from this reservation. CHESTER A. ARTHUR.

EXECUTIVE MANSION, *April 24, 1886.*

It is hereby ordered that the following-described tract of country in the Territory of New Mexico, viz, all those portions of townships 29 north, ranges 14, 15, and 16 west of the New Mexico principal meridian, south of the San Juan River, be, and the same is hereby, withdrawn from sale and settlement and set apart as an addition to the Navajo Indian Reservation.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., November 19, 1892.

It is hereby ordered that the Executive order of May 17, 1884, by President Chester A. Arthur, withdrawing from sale and settlement and setting apart as a reservation for Indian purposes certain lands in the Territories of Utah and Arizona, be, and the same hereby is, modified so that all the lands described in said order which lie west of the 110th degree of west longitude and within the Territory of Utah be, and the same hereby are, restored to the public domain, freed from the reservation made by said order.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 8, 1900.*

It is hereby ordered that the tract of country lying west of the Navajo and Moqui reservations in the Territory of Arizona, embraced within the following-described boundaries, viz, beginning at the southeast corner of the Moqui Reservation and running due west to the Little Colorado River; thence down that stream to the Grand Canyon Forest Reserve; thence north on the line of that reserve to the northeast corner thereof; thence west to the Colorado River; thence up that stream to the Navajo Indian Reservation, be, and the same is hereby, withdrawn from sale and settlement until further ordered.

WILLIAM MCKINLEY.

WHITE HOUSE, *November 14, 1901.*

It is hereby ordered that the following-described tract of country in Arizona, viz, commencing at a point where the south line of the Navajo Indian Reservation (addition of January 8, 1900) intersects the Little Colorado River; thence due south to the fifth standard parallel north; thence east on said standard to the middle of the south line of township 21 north, range 15 east; thence north on the line bisecting townships 21, 22, 23, 24, said range 15 east, to the south line of the Moqui Reservation; thence due west to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement until such time as the Indians residing thereon shall have been settled permanently under the provisions of the homestead laws or the general allotment act approved February 8, 1887 (24 Stats., 388), and the act amendatory thereof, approved February 28, 1891 (26 Stats., 794).

THEODORE ROOSEVELT.

Pueblo Industrial School Reserve.

EXECUTIVE MANSION, *October 3, 1884.*

It is hereby ordered that the following-described tract of land in the county of Bernalillo and Territory of New Mexico, viz, all that certain piece, parcel, or tract of land situate, lying, and being in the county of Bernalillo and Territory of New Mexico, bounded on the north by lands of J. K. Basye, on the east by lands of Diego Garcia and Miguel Antonio Martin and others, on the south by lands of the Jesuit fathers, and on the west by lands of the Jesuit fathers, said tract being more particularly bounded and described as follows, to wit: Beginning at a stake at the northwest corner of the lands formerly owned by John H. McMinn and running thence north 4 degrees and 53 minutes west, 731.7 feet, to a stake at the northwest corner of the land hereby conveyed; thence north 84 degrees and 52 minutes east, 2,320.7 feet to a stake at the northeast corner of the land hereby conveyed; thence south 3 degrees and 45 minutes east, 720.4 feet, to a stake; thence south 7 degrees and 30 minutes west, 793 feet, to a stake at the southeast corner of the land hereby conveyed; thence north 85 degrees and 50 minutes west, 184.6 feet, to a stake; thence north 87 degrees and 42 minutes west, 615 feet, to a stake; thence north 81 degrees and 52 minutes west, 203 feet, to a stake; thence north 78 degrees and 44 minutes west, 224 feet, to a stake; thence north 73 degrees and 19 minutes west, 176.4 feet, to a stake; thence north 70 degrees and 14 minutes west, 234 feet, to a stake; thence north 78 degrees and 38 minutes west, 567.7 feet, to a stake at the southwest corner of the land hereby conveyed; and thence north 6 degrees and 8 minutes west, 234.4 feet, to the point and place of beginning, containing 65.79 acres, more or less; which said tract of land was conveyed to the United States of America by a certain deed of conveyance bearing date the 7th day of June, A. D. 1882, from Elias S. Clark, of the town of Albuquerque, in the county and Territory aforesaid, as a site for an industrial school for Pueblo and other Indians, and the erection thereon of suitable buildings and other improvements for such purposes, be, and the same hereby is, reserved and set apart for Indian purposes.

CHESTER A. ARTHUR.

Pueblo of San Felipe Reserve.

WHITE HOUSE, *June 13, 1902.*

It is hereby ordered that all that portion of the public domain in the Territory of New Mexico which when surveyed will embrace the following sections, viz, sections 1, 2, 3, 10, 11, and 12, in township 13 north, range 5 east, New Mexico principal meridian, so far as said sections lie north of the town of Tejon patented lands and a line due west from the northwest corner of the Tejon grant and without the land patented to the Pueblo of San Felipe by act of Congress; also fractional sections 1, 2, and 3, and sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, in township 14 north, range 5 east, so far as the same lie outside of the lands patented to the Pueblos of San Felipe and Santo Domingo by act of Congress, be, and the same is hereby, set apart as a reservation for the use and occupation of the Pueblo Indians of New Mexico belonging to the Pueblo of San Felipe: *Provided, however*, That any tract or tracts to which valid existing rights have attached, under the laws of the United States providing for the disposition of the public domain, are hereby excepted and excluded from the reservation hereby created: *And provided further*, That if at any time the lands covered by any valid claim shall be relinquished to the United States or the claim lapse, or the entry be canceled for any cause whatever, such lands shall be added to and become a part of the reservation for the Pueblo of San Felipe, as herein provided for.

THEODORE ROOSEVELT.

Tularosa Valley Reserve.

CAMP TULEROSA, N. MEX., *August 29, 1871.*

NATHANIEL POPE, Esq.,
Superintendent of Indian Affairs:

SIR: Agreeably to the power conferred upon me by the President, and communicated to me in the letter of the honorable Secretary of the Interior of the 22d July, 1871, that I should proceed to New Mexico and Arizona and there take such action as in my judgment should be deemed wisest and most proper for locating the nomadic tribes of those Territories upon suitable reservations, bringing them under the control of the proper officers of the Indian Department, etc., assisted by yourself and O. F. Piper, agent for the Southern Apache Indians, I have carefully examined the place and neighborhood at Canada Alamosa, where the agency is at present located, and for several reasons find the same unsuitable for a reservation. Assisted by the officers named above, I have also carefully inspected the valley of the Tulerosa, and finding the same to possess most of the requisites necessary to a home for the Indians, it being remote from white settlements, surrounded by mountains, and easily crossed, with sufficient arable lands, good water, and plenty of wood and game, I hereby declare the said valley of the Tulerosa, beginning at the headwaters of the Tulerosa River and its tributaries in the mountains, and extending down the same 2 miles on each side for a distance of 30 miles, to be an Indian reservation for the sole use and occupation of the Southern and other roving bands of Apache Indians, their agent, and other officers and employés of the Government, the laws relating to Indian reservations in the United States governing the same until such time as the Executive or Congress shall set aside this order. I would therefore suggest that Agent Piper be instructed to remove his agency and the Indians under his charge from Canada Alamosa to the Tulerosa Valley as soon as practicable after the receipt of this letter. The War Department having directed the officers commanding the district of New Mexico and Arizona to afford military protection to such Indians as may be induced to come in, both on their way and after arrival at the reservation, the agency will be amply protected, and the Department having authorized me to supply these Indians with whatever may be necessary, you are at liberty to incur such moderate expenditures as may be absolutely necessary to carry out the above instructions.

Very respectfully, your obedient servant,

VINCENT COLYER, *Commissioner.*

(For other correspondence relating to this reserve and Executive order of November 9, 1871, see "White Mountain Reserve, Arizona, ante, page 810.")

EXECUTIVE MANSION, *November 24, 1874.*

All orders establishing and setting apart the Tulerosa Valley, in New Mexico—described as follows: Beginning at the headwaters of the Tulerosa River and its tributaries in the mountains, and extending down the same 10 miles on each side for a distance of 30 miles—as an Indian reservation, are hereby revoked and annulled; and the said described tract of country is hereby restored to the public domain.

U. S. GRANT.

Zuñi Pueblo Reserve.

EXECUTIVE MANSION, *March 16, 1877.*

It is hereby ordered that the following-described tract of country in the Territory of New Mexico, viz: Beginning at the one hundred and thirty-sixth mile-stone, on the western boundary line of the Territory of New Mexico, and running thence north 61 degrees 45 minutes east, 31.8 miles to the crest of the mountain a short distance above Nutria Springs; thence due south 12 miles to point in the hills a short distance southeast of the Ojo Pescado; thence south 61 degrees 45 minutes west to the one hundred and forty-eighth mile-stone on the western boundary line of said Territory; thence north with said boundary line to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart as a reservation for the use and occupancy of the Zuñi Pueblo Indians.

R. B. HAYES.

EXECUTIVE MANSION, *May 1, 1883.*

Whereas it is found that certain descriptions as to boundaries given in an Executive order issued March 16, 1877, setting apart a reservation in the Territory of New Mexico for the Zuñi Pueblo Indians, are not stated with sufficient definiteness to include within said reservation all the lands specified in and intended to be covered by said Executive order, especially the Nutria Springs and the Ojo Pescado, said Executive order is hereby so amended that the description of the tract of land thereby set apart for the purposes therein named shall read as follows:

Beginning at the one hundred and thirty-sixth mile-post on the west boundary line of the Territory of New Mexico; thence in a direct line to the southwest corner of township 11 north, range 18 west; thence east and north, following section lines, so as to include sections 1, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, and 36, in said township; thence from the northeast corner of said township, on the range line between ranges 17 and 18 west, to the third correction line north; thence east on said correction line to the nearest section line in range 16, from whence a line due south would include the Zuñi settlements in the region of Nutria and Nutria Springs and the Pescado Springs; thence south following section lines to the township line between townships 9 and 10 north, range 16 west; thence west on said township line to the range line between ranges 16 and 17 west; thence in a direct line to the one hundred and forty-eighth mile-post on the western boundary line of said Territory; thence north along said boundary line to place of beginning.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March 3, 1885.*

It is hereby ordered that the Executive order dated May 1, 1883, explaining, defining, and extending the boundaries of the Zuñi Indian Reservation, in the Territory of New Mexico, be, and the same is hereby, amended so as to except and exclude from the addition made to said reservation by the said Executive order of May 1, 1883, any and all lands which were at the date of said order settled upon and occupied in good faith under the public-land laws of the United States.

CHESTER A. ARTHUR.

NORTH DAKOTA.

Fort Berthold Reserve.

[Occupied by Arikara, Grosventre, and Mandan; area, 1,382¼ square miles; established by unratified agreement of September 17, 1851 and July 27, 1866, and act of March 3, 1891 (26 Stat., 1032).]

HEADQUARTERS, FORT STEVENSON,
September 25, 1869.

SIR: I have the honor to report that I have consulted the best guides and obtained all available information in addition to my own examination, as far as it was practicable, in regard to a reservation for the Arickaree, Gros Ventre, and Mandan Indians.

I had an interview with the chiefs of the three tribes, and read the communication from the Commissioner of Indian Affairs, forwarded to me from the commanding general of the department, with which they seemed much pleased. I proposed to them the following reservation, with which they seemed much pleased. I proposed to them the following reservation, with which they were satisfied: From a point on the Missouri River 4 miles below the Indian village (Berthold), in a northeast direction 3 miles (so as to include the wood and grazing around the village); from this point a line running so as to strike the Missouri River at the junction of Little Knife River with it; thence along the left bank of the Missouri River to the mouth of the Yellowstone River, along the south bank of the Yellowstone River to the Powder River, up the Powder River to where the Little Powder River unites with it; thence in a direct line across to the starting point 4 miles below Berthold. The Indians desired that the reservation should extend to the Mouse River, but in view of a railroad passing over that country I did not accede to their wish. They seemed to comprehend my reason for not doing so, and were satisfied. I have endeavored in this proposed reservation to give them land enough to cultivate and for hunting and grazing purposes. I inclose a sketch of the proposed reservation.

Very respectfully, sir,

S. A. WAINWRIGHT,
Captain Twenty-second Infantry, Commanding Post.

Bvt. Brig. Gen. O. D. GREENE,
Adj. Gen. Dept. of Dakota, St. Paul, Minn.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 2, 1870.

SIR: I have the honor to transmit herewith a letter of Capt. S. A. Wainwright, Twenty-second United States Infantry, commanding post at Fort Stevenson, Dak., dated September 25 last, indorsed respectively by the commanding officer of the Department of Dakota and by the assistant adjutant-general of the Military Division of the Missouri, and forwarded by the Adjutant-General of the United States Army to this office, relative to setting apart of a reservation for the Arickaree, Gros Ventre, and Mandan Indians.

This has been the subject of correspondence before between Maj. Gen. Winfield S. Hancock, commanding Department of Dakota, and this office.

General Hancock, in a letter dated near Fort Rice, Dak., July 21, 1869, addressed to Bvt. Maj. Gen. George L. Hartsuff, assistant adjutant-general, Military Division of the Missouri (copy of which has been furnished by direction of Lieutenant-General Sheridan to this office), states that the Arickaree, Gros Ventre, and Mandan

Indians, among others, complain "that whites came on their land at Berthold and cut wood for sale to steam-boats. They want this stopped. They are willing that boats should go and cut all they want, but do not want strangers to come and sell their wood while they are starving; they want to cut and sell it themselves."

General Hancock further states, in the letter above referred to, that he did not know whether those Indians had a reservation or not, and that he has instructed the commanding officer at Fort Stevenson to examine the country about Berthold and to recommend what portions should be set off for them.

By letter dated August 16 last General Hancock was informed by this office that by the treaty concluded at Fort Laramie October 17, 1851, which was not ratified, but was amended by the Senate, and the stipulations as amended fulfilled by the Government, the following are given as the boundaries of a reservation for the Gros Ventres, Arickarees, and Mandans, viz: Commencing at the mouth of Heart River; thence up the Missouri to the mouth of Yellowstone River; thence up the Yellowstone to the mouth of Powder River; thence southeast to the headwaters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and down said river to the place of beginning.

A subsequent treaty was concluded with these Indians at Fort Berthold July 27, 1866. This makes no provision in regard to a reservation. The Indians, parties to the same, grant to the United States the right to lay out and construct roads, highways, and telegraphs through their country, and they cede to the United States "their right and title to the following lands, situated on the northeast side of the Missouri River, to wit: Beginning on the Missouri River, at the mouth of Snake River, about 30 miles below Fort Berthold; thence up Snake River in a northeast direction 25 miles; thence southwardly, parallel to the Missouri River, to a point opposite and 25 miles east of old Fort Clarke; thence west to a point on the Missouri River opposite the old Fort Clarke; thence up the Missouri River to the place of beginning."

This treaty has never been ratified, but appropriations have been made by Congress in accordance with its provisions. There are no treaty stipulations with these Indians relative to a reservation for them which have been ratified.

It is proper here to state that the reservation as proposed by Captain Wainwright is a part of the country belonging to the Arickaree, Gros Ventre, and Mandan Indians, according to the agreement of Fort Laramie, with the addition of a strip of land east of the Missouri River from Fort Berthold Indian village to the mouth of Little Knife River, as shown by the inclosed diagram; and I therefore respectfully recommend that an order of the Executive may be invoked, directing the setting apart of a reservation for said Indians as proposed.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. J. D. COX,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 12, 1870.

SIR: I have the honor herewith to lay before you a communication dated the 2d instant, from the Commissioner of Indian Affairs, together with the accompanying papers, reporting the selection by Captain Wainwright, Twenty-second Infantry, of a reservation for the Arickaree, Gros Ventre, and Mandan Indians, and respectfully recommend that the lands included within the boundary lines of said reserve be set apart for those Indians by Executive order, as indicated in the inclosed diagram of the same.

I have the honor to be, sir, your obedient servant,

J. D. Cox, *Secretary*.

The PRESIDENT.

WASHINGTON, D. C., *April 12, 1870.*

Let the lands indicated in the accompanying diagram be set apart as a reservation for the Arickaree, Gros Ventre, and Mandan Indians, as recommended in the letter of Secretary of the Interior of the 12th instant.

U. S. GRANT.

EXECUTIVE MANSION, *July 13, 1880.*

It is hereby ordered that all that portion of the Arickaree, Gros Ventre, and Mandan Reservations set aside by Executive order dated April 12, 1870, and known as the Fort Berthold Reservation, and situated in the Territories of Dakota and Montana, respectively, lying within the following boundaries, viz, beginning at a point where the northern forty-mile limit of the grant to the Northern Pacific Railroad intersects the present southeast boundary of the Fort Berthold Indian Reservation; thence westerly with the line of said forty-mile limit to its intersection with range line, between ranges 92 and 93 west of the fifth principal meridian; thence north along said range line to its intersection with the south bank of the Little Missouri River; thence northwesterly along and up the south bank of said Little Missouri River, with the meanders thereof to its intersection with the range line between ranges 96 and 97 west of the fifth principal meridian; thence westerly in a straight line to the southeast corner of the Fort Buford Military Reservation; thence west along the south boundary of said military reservation to the south bank of the Yellowstone River, the present northwest boundary of the Fort Berthold Indian Reservation; thence along the present boundary of said reservation and the south bank of the Yellowstone River to the Powder River; thence up the Powder River to where the Little Powder River unites with it; thence northeasterly in a direct line to the point of beginning, be and the same hereby is, restored to the public domain.

And it is further ordered that the tract of country in the Territory of Dakota, lying within the following-described boundaries, viz, beginning on the most easterly point of the present Fort Berthold Indian Reservation (on the Missouri River); thence north to the township line between townships 158 and 159 north; thence west along said township line to its intersection with the White Earth River; thence down the said White Earth River to its junction with the Missouri River; thence along the present boundary of the Fort Berthold Indian Reservation and the left bank of the Missouri River to the mouth of the Little Knife River; thence southeasterly in a direct line to the point of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the Arickaree, Gros Ventre, and Mandan Indians, as an addition to the present reservation in said Territory.

R. B. HAYES.

EXECUTIVE MANSION, *June 17, 1892.*

It is hereby ordered that the following-described lands, situated and lying in the State of North Dakota, namely, all that portion of township 147 north, range 87 west, lying north of the Missouri River, in the State of North Dakota, not included within the Fort Stevenson military reservation, said State, be, and the same is hereby, withdrawn from sale and settlement, and added to the Fort Berthold Indian Reservation: *Provided, however*, That any tract or tracts, if any, the title to which has passed out of the United States, or to which valid legal rights have attached under the existing laws of the United States providing for the disposition of the public domain, are hereby excepted and excluded from the addition hereby made to the said Fort Berthold Indian Reservation.

BENJ. HARRISON.

Sioux (Standing Rock) Reserve.

[Occupied by Blackfeet, Hunkpapa, Lower and Upper Yanktonai Sioux; area, 4,176 square miles; established by treaty April 29, 1868, and act of February 28, 1877 (19 Stat., 254).]

EXECUTIVE MANSION, *March 16, 1875.*

It is hereby ordered that the tract of country in the Territory of Dakota lying within the following-described boundaries, viz: Commencing at a point where the one hundred and second degree of west longitude intersects the forty-sixth parallel of north latitude; thence north on said one hundred and second degree of longitude to the south bank of the Cannon Ball River; thence down and with the south bank of said river to a point on the east side of the Missouri River opposite the mouth of said Cannon Ball River; thence down and with the east bank of the Missouri River to the mouth of Beaver River; thence up and with the south bank of Beaver River to the one hundredth degree of west longitude; thence south with said one hundredth degree of longitude to the forty-sixth parallel of latitude; thence west with said parallel of latitude to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the several tribes of Sioux Indians, as an addition to their present reservation in said Territory.

U. S. GRANT.

EXECUTIVE MANSION, *November 28, 1876.*

It is hereby ordered that the tract of the country in the Territory of Dakota on the east side of the Missouri River, lying within the following boundaries, viz: Commencing at a point on the south bank of Beaver River, intersected by the one hundredth degree of west longitude; thence in a direct line to the east corner of the Fort Rice Military Reservation; thence in a southwestern direction along the said military reservation to the east bank of the Missouri River; thence with the east bank of the Missouri to the mouth of Beaver River; thence up and with the south bank of Beaver River to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the several tribes of Sioux Indians as an addition to their present reservation in said Territory.

U. S. GRANT.

(See South Dakota for executive order of August 9, 1879, post page 898.)

EXECUTIVE MANSION, *March 20, 1884.*

It is hereby ordered that the lands embraced within the three existing Executive additions to the Great Sioux Reservation, in Dakota, east of the Missouri River, viz, the one opposite the Standing Rock Agency, the one opposite the mouth of Grand River and the site of the old Grand River Agency, and the one opposite the mouth of Big Cheyenne River and the Cheyenne River Agency, be, and the same are hereby, restored to the mass of the public domain, the same being no longer needed for the purpose for which they were withdrawn from sale and settlement.

CHESTER A. ARTHUR.

Turtle Mountain Reserve.

EXECUTIVE MANSION, *December 21, 1882.*

It is hereby ordered that the following-described country in the Territory of Dakota, viz: Beginning at a point on the international boundary where the tenth guide meridian west of the fifth principal meridian (being the range line between ranges 73 and 74 west of the fifth principal meridian) will, when extended, intersect said international boundary; thence south on the tenth guide meridian to the southeast corner of township 161 north, range 74 west; thence east on the fifteenth standard parallel north, to the northeast corner of township 160 north, range 74 west; thence south on the tenth guide meridian west to the southeast corner of township 159 north, range 74 west; thence east on the line between townships 158 and 159 north to the southeast corner of township 159 north, range 70 west; thence north with the line between ranges 69 and 70 west to the northeast corner of township 160 north, range 70 west; thence west on the fifteenth standard parallel north to the southeast corner of township 161 north, range 70 west; thence north on the line between ranges 69 and 70 west to the international boundary; thence west on the international boundary to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement and set apart for the use and occupancy of the Turtle Mountain band of Chippewas and such other Indians of the Chippewa tribe as the Secretary of the Interior may see fit to settle thereon.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March 29, 1884.*

It is hereby ordered that the tract of country in the Territory of Dakota withdrawn from sale and settlement and set apart for the use and occupancy of the Turtle Mountain band of Chippewa Indians by Executive order dated December 21, 1882, except townships 162 and 163 north, range 71 west, be, and the same is hereby, restored to the mass of the public domain.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June 3, 1884.*

The Executive order dated March 29, 1884, whereby certain lands in the Territory of Dakota previously set apart for the use and occupancy of the Turtle Mountain band of Chippewa Indians were, with the exception of townships 162 and 163 north, range 71 west, restored to the mass of the public domain, is hereby amended so as to substitute township 162 north, range 70 west, for township 163 north, range 71 west, the purpose and effect of such amendment being to withdraw from sale and settlement and set apart for the use and occupancy of said Indians said township 162 north, range 70 west, in lieu of township 163 north, range 71 west, which last-mentioned township is thereby restored to the mass of the public domain.

CHESTER A. ARTHUR.

OKLAHOMA.

Cheyenne and Arapahoe Industrial School Reserve.

EXECUTIVE MANSION, *July 9, 1895.*

It is hereby ordered that the following-described tracts of country in the Territory of Oklahoma, viz: Section 31, and the south half of sections 29 and 30, in township 14 north, of range 20 west of the Indian meridian, be, and the same are hereby, withdrawn from settlement and entry, and reserved and set apart for the purposes of a boarding and industrial school for the Cheyenne and Arapahoe Indians: *Provided*, That this withdrawal shall not affect any existing valid rights of any party.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 12th, 1895.*

In lieu of an Executive order dated July 9th, 1895, setting apart certain lands in the Territory of Oklahoma for the purposes of a boarding and industrial school for the Cheyenne and Arapahoe Indians, which order is hereby cancelled, it is hereby ordered that the following described tracts of country in said Territory, viz: The southwest quarter of section twenty-nine (29); the southeast quarter of section thirty (30); the east half of section thirty-one (31) and section thirty-two (32), all in Township fourteen (14) north, of range twenty (20) west, of the Indian meridian, be and the same are hereby withdrawn from settlement and entry and reserved and set apart for the purposes of a boarding and industrial school for the Cheyenne and Arapahoe Indians; *Provided*, That this withdrawal shall not affect any existing valid rights of any party.

GROVER CLEVELAND.

OREGON.

Grande Ronde Reserve.

[Occupied by Kalapuya, Clakamas, Cow Creek, Lakmiut, Mary's Run, Molala, Nestucca, Rogue River, Santiam, Shasta, Tumwater, Umqua, Wapato, and Yamhill; area, 40¼ square miles; treaties of January 20, 1855, and December 31, 1855.]

DEPARTMENT OF THE INTERIOR,
Washington, June 30, 1857.

SIR: I have the honor to submit to you, herewith, a report of the Commissioner of Indian Affairs recommending, and a report of the Commissioner of the General Land Office concurring in the recommendation that the lands embraced in townships 5 and 6 south, of range 8 west, and parts of townships 5 and 6 south, of range 7 west, Willamette district, Oregon, as indicated in the accompanying plat, be withdrawn from sale and entry, and established as an Indian reservation for the colonization of Indian tribes in Oregon, and particularly for the Williamette tribes, parties to treaty of January, 1855.

I respectfully recommend that the proposed reservation be established, and have accordingly prepared a form of indorsement on the plat of the same for your signature, in case the recommendation is approved.

The "Coast Reservation" alluded to in some of the accompanying papers was established by order of your predecessor, November, 1855.

I am, very respectfully, your obedient servant,

J. THOMPSON, *Secretary.*

The PRESIDENT.

EXECUTIVE OFFICE,
Washington City, June 30, 1857.

Townships 5 and 6 south, of range 8 west, and parts of townships 5 and 6 south, of range 7 west, as indicated hereon by red lines, are hereby withdrawn from sale and entry and set apart as a reservation for Indian purposes till otherwise ordered.

JAMES BUCHANAN.

Malheur Reserve.

WASHINGTON, *March 8, 1871.*

Hon. E. S. PARKER,
Commissioner Indian Affairs:

I would respectfully ask that the President withdraw for eighteen months all that portion of the country in the State of Oregon, situated between the forty-second and forty-fourth parallels of latitude, and from one hundred and seventeen to one hundred and twenty degrees of longitude, excepting so much as may have been or may be granted for military or wagon-road purposes, with a view of selecting an Indian reservation, on which to consolidate Indians east of the Cascade Mountains in said State, excepting those who may select lands in severalty from the reservation or reservations on which they are now located, and the President instruct me to proceed at the earliest practical time to select such reservation.

A. B. MEACHAM,
Superintendent of Indian Affairs, Oregon.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 10, 1871.

SIR: I have the honor to report that I am in receipt of a letter bearing date the 8th instant, from A. B. Meacham, esq., superintendent of Indian affairs in the State of Oregon, asking that the portion of that State lying between the forty-second and forty-fourth parallels of north latitude and the one hundred and seventeenth and the one hundred and twentieth degrees of west longitude (excepting so much thereof as may have been or may hereafter be granted for military or wagon-road purposes) be withdrawn from market as public lands, for the space of eighteen months, with a view to the selection of a reservation upon which to collect all the Indians in that State east of the Cascade Mountains, except those who may select lands in severalty upon the reservation on which they are now located.

The suggestion of Superintendent Meacham is concurred in, and I respectfully recommend that the President be requested to issue an Executive order withdrawing the tract of country described from market as public lands, for the period and purpose above indicated, and that this office be authorized to instruct the superintendent to proceed to select such reservation without unnecessary delay.

A copy of Superintendent Meacham's letter is herewith transmitted.

Very respectfully, your obedient servant,

H. R. CLUM, *Acting Commissioner.*

Hon. C. DELANO,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, *March 14, 1871.*

The recommendation of the Commissioner of Indian Affairs contained in his accompanying report has my approval, and it is respectfully submitted to the President with the request that he direct the temporary withdrawal from market of the lands in Oregon as therein designated, with the exceptions stated, for the purpose of establishing a reservation for the Indians in that State.

C. DELANO, *Secretary.*

EXECUTIVE MANSION, *March 14, 1871.*

I hereby direct the withdrawal of the lands referred to from market as public lands for the period of time and for the purpose indicated, as recommended by the Secretary of the Interior.

U. S. GRANT.

OFFICE INDIAN AFFAIRS,
Washington, September 4, 1872.

SIR: I have the honor to inclose herewith a report, dated the 22d ultimo (and accompanying map), received from T. B. Odeneal, esq., superintendent Indian affairs for Oregon, reciting the action taken by him relative to the establishment of a proposed reservation on the headwaters of Malheur River, in that State, for the Snake or Piute Indians, under instructions contained in letter to him from this office, dated the 6th of July last.

Superintendent Odeneal defines the boundaries of the tract of country selected by him for the proposed reservation as follows:

"Beginning at the mouth of the North Fork of the Malheur River; thence up said North Fork, including the waters thereof, to Castle Rock; thence in a northwesterly direction to Strawberry Butte; thence to Soda Spring, on the Canyon City and Camp Harney road; thence down Silvies River to Malheur Lake; thence east to the South Fork of the Malheur River; thence down said South Fork, including the waters thereof, to the place of beginning (to be known as Malheur Reservation), including all lands within said boundaries, excepting so much thereof as may have been granted for military or wagon-road purposes."

I respectfully recommend that the tract of country embraced within the foregoing limits be set apart and reserved as an Indian reservation, and that the President be requested to issue an Executive order accordingly.

It is also requested that the papers inclosed be returned to this office.

Very respectfully, your obedient servant,

F. A. WALKER, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 12, 1872.

SIR: I have the honor to transmit herewith a communication, dated the 4th instant, from the Commissioner of Indian Affairs, inclosing a report (with map) of T. B. Odeneal, superintendent of Indian affairs for Oregon, and recommending that a reservation on the headwaters of the Malheur River, in the State of Oregon, the boundaries of which are set forth in the Commissioner's letter, be established for the Snake or Piute Indians.

The recommendation of the Commissioner meets with the approval of this Department, and I respectfully request that the President direct the same to be carried into effect.

I have the honor to be, your obedient servant,

W. H. SMITH, *Acting Secretary.*

To the PRESIDENT.

EXECUTIVE MANSION, *September 12, 1872.*

Let the lands which are fully described in the accompanying letter of the Commissioner of Indian Affairs be set apart as a reservation for the Snake or Piute Indians, as recommended in the letter of the Secretary of the Interior of this date.

U. S. GRANT.

EXECUTIVE MANSION, *May 15, 1875.*

It is hereby ordered that the tract of country in Oregon embraced within the following-described boundaries, viz: Commencing at a point on the Malheur River where the range line between ranges 39 and 40 east of the Willamette meridian intersects the same; thence north, on said range line, to a point due east of Strawberry Butte; thence west to Strawberry Butte; thence southeastwardly to Castle Rock; thence to the west bank of the North Fork of the Malheur River; thence down and with the said west bank to the Malheur River; thence along and with the Malheur River to the place of beginning, be, and the same hereby is, withdrawn from sale or settlement, except such lands within said boundaries as have passed or may pass to The Dalles Military Road Company, under act of Congress approved February 27, 1867 (vol. 14, p. 409), and to the Willamette Valley and Cascade Mountain Military Road Company, under act of Congress approved July 5, 1866 (vol. 14, p. 89), and the same set apart as an addition to the Malheur Indian Reservation, set apart by Executive order of September 12, 1872.

U. S. GRANT.

EXECUTIVE MANSION, *January 28, 1876.*

It is hereby ordered that the tract of country in Oregon lying within the following-described boundaries, viz: Beginning at a point on the right bank of the Malheur River where the range line between ranges 38 and 39 east of the Willamette meridian intersects the same; thence north on said range line to a point due east of the summit of Castle Rock; thence due west to the summit of Castle Rock; thence in a northwesterly direction to Strawberry Butte; thence to Soda Spring, on the Canyon City and Camp Harney road; thence down Silvies Creek to Malheur Lake; thence due east to the right bank of the South Fork of Malheur River; thence down said right bank of the South Fork to the Malheur River; thence down the right bank of the Malheur River to the place of beginning, except such lands within these limits as have passed or may pass to The Dalles Military Road on the north, and the Willamette Valley and Cascade Mountain Military Road on the south, be, and the same is hereby, withdrawn from sale and set apart for the use and occupancy of the Piute and Snake Indians, to be known as the Malheur Indian Reservation; and that portion of country set apart by Executive order of May 15, 1875, not embraced in the limits of the above-described tract of country, is hereby restored to the public domain.

U. S. GRANT.

EXECUTIVE MANSION, *Washington, July 23, 1880.*

The Executive order dated December 5, 1872, creating the "Fort Harney military reservation," in Oregon, is hereby canceled, and the lands embraced therein and as shown on the accompanying plat are hereby made subject to the Executive order dated September 12, 1872, establishing the Malheur Indian Reservation. The Secretary of the Interior will cause the same to be noted in the General Land Office.

R. B. HAYES.

EXECUTIVE MANSION, *September 13, 1882.*

It is hereby ordered that all that part of the Malheur Indian Reservation, in the State of Oregon (set apart by Executive orders dated March 14, 1871, September 12, 1872, May 15, 1875, and January 28, 1876), lying and being south of the fourth standard parallel south, except a tract of 320 acres, being the north half of the late military post reserve of Camp Harney, as established by Executive order of December 5, 1872 (which order was canceled by Executive order dated July 23, 1880, whereby the lands embraced within said reserve were made and proclaimed subject to Executive order dated September 12, 1872, establishing the boundaries of the Malheur Indian Reservation), and all that part thereof lying and being north of said fourth standard parallel and west of the range line (when extended) between ranges 33 and 34 east of the Willamette meridian, be, and the same is hereby, restored to the public domain.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *May 21, 1883.*

It is hereby ordered that the Malheur Indian Reservation, in the State of Oregon, except a tract of 320 acres described in an Executive order dated September 13, 1882, as "the north half of the late military post reserve of Camp Harney, as established by Executive order of December 5, 1872," be, and the same is hereby, restored to the public domain, the same being no longer required for the purposes for which it was set apart.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March 2, 1889.*

It is hereby ordered that so much of the Malheur Indian Reservation, in the State of Oregon (originally reserved by Executive order of September 12, 1872), as has not heretofore been restored to the public domain, the same being situate in fractional sections 7, 8, 17, 18, and 19, township 22 south, range 32½ east, Willamette meridian, Oregon, area 317.65 acres, and comprising the north half of what is locally known as the old Camp Harney military reservation (announced by Executive order of December 5, 1872, which Executive order was subsequently canceled by Executive order of July 23, 1880), be, and the same is hereby, restored to the public domain.

GROVER CLEVELAND.

Siletz (originally known as Coast) Reserve.

[Occupied by Alsea, Coquille, Kusan, Kwatami, Rogue River, Skoton, Shasta, Saiustkea, Siuslaw, Tututin, Umpqua, and thirteen others; established by unratified treaty, August 11, 1855, and acts of March 3, 1875 (18 Stat., 446), and August 15, 1894 (28 Stat., 323).]

DEPARTMENT OF THE INTERIOR, *November 8, 1855.*

SIR: I herewith submit for your approval a proposed reservation for Indians on the coast of Oregon Territory, recommended by the Commissioner of Indian Affairs and submitted to the Department by the Commissioner of the General Land Office, for the procurement of your order on the subject, in letter of the 10th September last.

Before submitting the matter to you I desire to have a more full report of the subject from the Indian Office, and the letter of the head of that bureau of the 29th ultimo (Report Book 9, page 54), having been received and considered, I see no objection to the conditional reservation asked for, "subject to future curtailment, if found proper," or entire release thereof, should Congress not sanction the object rendering this withdrawal of the land from white settlement at this time advisable.

A plat marked A, and indicating the boundaries of the reservation, accompanies the papers, and has prepared thereon the necessary order for your signature, should you think fit to sanction the recommendation.

I have the honor to be, very respectfully, your obedient servant,

R. MCCLELLAND, *Secretary.*

The PRESIDENT.

NOVEMBER 9, 1855.

The reservation of the land within denoted by blue-shaded lines is hereby made for the purposes indicated in letter of the Commissioner of the General Land Office of the 10th September last and letter of the Secretary of the Interior of the 8th November, 1855.

FRANK'N PIERCE

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 20, 1865.

SIR: Pursuant to a recommendation of the Secretary of the Interior of the 8th of November, 1855, the President of the United States, by an Executive order dated the 9th of that month set apart conditionally the tract of country on the coast of Oregon, extending from Cape Lookout on the north to a point below Cape Perpetua on the south, as exhibited in blue on the accompanying map, for an Indian reservation.

It is represented by the Oregon delegation in Congress that this reservation is unnecessarily large, and that by reason of its access to the harbor of Aquina Bay by the numerous settlers in the fertile and productive valley of the Willamette is prevented. They ask for a curtailment of this reservation, so as to secure to the inhabitants of the Willamette Valley the much-needed access to the coast, and for this purpose propose that a small and rugged portion of the reservation in the vicinity of Aquina Bay, not occupied or desired by the Indians, shall be released and thrown open to occupation and use by the whites.

The Commissioner of Indian Affairs is of the opinion that the interests of the citizens of Oregon will be promoted by the opening of a port of entry at Aquina Bay, and that their interest is paramount in importance to that of the Indians located in that vicinity. Concurring in the views expressed by the Hon. Messrs. Nesmith, Williams, and Henderson, and the Commissioner of Indian Affairs, I respectfully recommend that an order be made by you releasing from reservation for Indian purposes and restoring to public use the portion of the said reservation bounded on the accompanying map by double red lines, and described in the communication of the Oregon delegation as follows, viz: Commencing at a point two miles south of the Siletz Agency; thence west to the Pacific Ocean; thence south along said ocean to the mouth of the Alsea River; thence up said river to the eastern boundary of the reservation; thence north along said eastern boundary to a point due east of the place of beginning; thence west to the place of beginning.

I have the honor to be, very respectfully, your obedient servant,

JAS. HARLAN, *Secretary.*

The PRESIDENT.

EXECUTIVE MANSION, *December 21, 1865.*

The recommendation of the Secretary of the Interior is approved, and the tract of land within described will be released from reservation and thrown open to occupancy and used by the citizens as other public land.

ANDREW JOHNSON, *President.*

Umatilla Reserve.

[Occupied by Cayuse, Umatilla, and Wallawalla tribes; area, 124½ square miles; established by treaty June 9, 1855, and acts of August 5, 1882 (22 Stat., 297), March 3, 1885 (23 Stat., 341), and section 8, October 17, 1888 (25 Stat., 559).]

ORDER OF SECRETARY OF THE INTERIOR, DECEMBER 4, 1888, DEFINING BOUNDARIES OF UMATILLA RESERVATION, OREGON.

Whereas by the act of March 3, 1885 (23 Stat., 340), entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," it is provided that "before any allotments are made, a Commission of three disinterested persons to be appointed by the President shall go upon said reservation and ascertain as near as may be the number of Indians who will remain on said reservation, and who shall be entitled to take lands in severalty thereon, and the amount of land required to make the allotments; and thereupon said Commission shall determine and set apart so much of said reservation as shall be necessary to supply agricultural lands for allotments in severalty, together with sufficient pasture and timber lands for their use, and six hundred and forty acres for an industrial farm and school, not exceeding one hundred and twenty thousand acres in the aggregate for all purposes; and the same shall be in as compact a form as possible. Said Commission shall report to the Secretary of the Interior the number and classes of persons entitled to allotments, as near as they may be able to, the metes and bounds of the tract by them selected for said Indians, and designate the particular tract selected for an industrial farm and school; and if the same shall be approved by the Secretary of the Interior, the said tract shall thereafter constitute the reservation for said Indians, and within which the allotments herein provided for shall be made;" and

Whereas in pursuance of this provision of law, a Commission was appointed by the President on August 13, 1887, which Commission proceeded under instructions to the said Umatilla Reservation, secured the consent of the Indians to the provisions of the law, took the required census of the Indians, and selected a tract for a diminished reservation containing in the aggregate 119,364 acres, of which, according to the census of the Indians on the reservation and the provisions of the law for making allotments, 74,800 acres were required for allotment to the Indians for agricultural purposes; and

Whereas upon surveying said lands, it was found and reported that the diminished reservation so selected by the commission and reported to the Department contained about 10,000 acres less of agricultural lands than was required to make allotments to the Indians as provided in the law; whereupon it became necessary to appoint a second Commission, to readjust the boundaries for the diminished reservation, so as to bring within their limits a sufficient quantity of agricultural land to meet the requirements of the law, which second Commission, appointed by the President on December 22, 1887, made its report, describing the metes and bounds of the tract of land selected and defined by it, which, upon examination of said report and the map accompanying it, was found to be a tract of land so irregular in its shape and outline, as would make it difficult for the Indians living upon it and the white settlers occupying lands adjoining it on the outside to know certainly and exactly the location of the boundaries of the diminished reservation; and in said report it is stated by the Commission that it was not able to include as much timber land as was thought to be necessary within the diminished reservation, without exceeding the limit of its area as fixed by the law, and that while the Indians are some better satisfied with the tract as selected and defined by it for the diminished reservation than they were with the tract selected and defined by the former Commission, there remained considerable dissatisfaction because certain mountain and timber lands lying in the eastern part of the existing reservation were not included within the boundaries of the tract selected for the diminished reservation; and,

Whereas in view of the facts as thus shown, it was deemed necessary by the Department to submit the matter to Congress and to request that the act of March 3, 1885, be so amended as to authorize and empower the Secretary of the Interior to select, prescribe and define a tract of land for the diminished reservation which will contain a sufficient quantity of land to meet the needs and desires of the Indians and be in such regular shape in outline as that its boundaries may be certainly known; and

Whereas it is provided in the eighth section of the act of October 17, 1888 (Public No. 320), amending the act entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation in the State of Oregon, and granting patents therefor, and for other purposes, approved March 3, 1885" (23 Stat., 341), that "the Secretary of the Interior shall set apart such further quantity of land of the existing Umatilla Reservation, in addition to the one hundred and twenty thousand acres thereof, required by said act to be selected, designated, and reserved for the uses and purposes of said Indians, as therein provided, as shall enable him to fix, define, and establish the metes and bounds of said reserved tract in a satisfactory manner, and to include therein such portions as he may deem advisable of certain lands in the eastern part of the reservation, which the Indians desire shall be reserved for them; and the said Secretary is authorized by order to establish such diminished reservation accordingly; and in all other respects said act shall continue and remain in force."

Now, therefore, it is hereby ordered, that so much of the existing Umatilla Indian Reservation in the State of Oregon, as lies within the following-described metes and bounds, is hereby declared to be, and is, established as the diminished reservation required by the act of March 3, 1885, as amended by the act of October 17, 1888, to be selected and set apart to constitute the reservation for the confederated bands of Cayuse, Walla Walla, and Umatilla Indians for the purposes specified in the said act of March 3, 1885:

Beginning at the quarter-section corner of the west boundary of section 6, township 2 north, range 33 east; thence south on the township line to the southwest corner of section 31, township 1 north, range 33 east; thence west on the base line to the northwest corner of township 1 south, range 33 east; thence south on the township line to the southwest corner of section 6, township 1 south, range 33 east; thence east on said section line between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, to the southeast corner of section 1, township 1 south, range 33 east; thence north on the range line to the northeast corner of said township 1 south, range 33 east, on the base line; thence west on the base line to the southeast corner of township 1 north, range 33 east; thence north on the township line to the southwest corner of section 7, township 1 north, range 34 east; thence east on the section lines between sections 7 and 18, 8 and 17, 9 and 16, 10 and 15, 11 and 14, 12 and 13, township 1 north, range 34 east, and sections 7 and 18, 8 and 17, 9 and 16, 10 and 15, 11 and 14, township 1 north, range 35 east, to the present east boundary of the original Umatilla Reservation; thence north 20 degrees east along said boundary to the headwaters of the south fork of Wild Horse Creek or the northeast corner of the original Umatilla Reservation; thence down the middle of Wild Horse Creek to the point where said creek is intersected by the north line of section 32, township 4 north, range 35 east; thence west on a line between sections 29 and 32, 30 and 31, of township 4 north, range 35 east, and between sections 25 and 36 of township 4 north, range 34 east, to the northwest corner of section 36, township 4 north, range 34 east; thence south on the west boundary of said section 36 to the southwest corner thereof; thence west on the township line to the northwest corner of section 2, township 3 north, range 34 east; thence south on the west boundary of said section 2 to the southwest corner thereof; thence west on the section line to the quarter-section corner between sections 3 and 10 of said township 3 north, range 34 east; thence south through the middle of section 10 to the quarter-section corner on the south boundary thereof; thence west on the line between sections 10 and 15 and 9 and 16 to the northwest corner of section 16; thence south on the section line between sections 16 and 17, 20 and 21, to the quarter-section corner on the line between sections 20 and 21; thence west to the center of section 20; thence south to the quarter-section corner on the line between sections 20 and 29; thence west on the section line between sections 20 and 29, 19 and 30, to the northwest corner of section 30, in said township 3 north, range 34 east; thence south on the range line to the northwest corner of section 31 of said township; thence west between sections 25 and 36 of township 3 north, range 33 east, to the northwest corner of section 36; thence south on the section line to the southwest corner of section 36, township 3 north, range 33 east; thence west on the township line to the northwest corner of section 5, township 2 north, range 33 east; thence south between sections 5 and 6 to the quarter-section corner between sections 5 and 6; thence west through the middle of section 6 to the place of beginning.

WM. F. VILAS,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
December 4, 1888.

Wallowa Valley Reserve.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, June 9, 1873.

The above diagram is intended to show a proposed reservation for the roaming Nez Percé Indians in the Wallowa Valley, in the State of Oregon. Said proposed reservation is indicated on the diagram by red lines, and is described as follows, viz:

Commencing at the right bank of the mouth of Grande Ronde River; thence up Snake River to a point due east of the southeast corner of township No. 1, south of the base line of the surveys in Oregon, in range No. 46 east of the Willamette meridian; thence from said point due west to the West Fork of the Wallowa River; thence down said West Fork to its junction with the Wallowa River; thence down said river to its confluence with the Grande Ronde River; thence down the last-named river to the place of beginning.

I respectfully recommend that the President be requested to order that the lands comprised within the above-described limits be withheld from entry and settlement as public lands, and that the same be set apart as an Indian reservation, as indicated in my report to the Department of this date.

EDWARD P. SMITH, *Commissioner.*

DEPARTMENT OF THE INTERIOR, *June 11, 1873.*

Respectfully presented to the President, with the recommendation that he make the order above proposed by the Commissioner of Indian Affairs.

C. DELANO, *Secretary.*

EXECUTIVE MANSION, *June 16, 1873.*

It is hereby ordered that the tract of country above described be withheld from entry and settlement as public lands, and that the same be set apart as a reservation for the roaming Nez Percé Indians, as recommended by the Secretary of the Interior and the Commissioner of Indian affairs.

U. S. GRANT.

EXECUTIVE MANSION, *June 10, 1875.*

It is hereby ordered that the order dated June 16, 1873, withdrawing from sale and settlement and setting apart the Wallowa Valley, in Oregon, described as follows: Commencing at the right bank of the mouth of Grande Ronde River; thence up Snake River to a point due east of the southeast corner of township No. 1 south of the base line of the surveys in Oregon, in range No. 46 east of the Willamette meridian; thence from said point due west to the west fork of the Wallowa River; thence down said west fork to its junction with the Wallowa River; thence down said river to its confluence with the Grande Ronde River; thence down the last-named river to the place of beginning, as an Indian reservation, is hereby revoked and annulled; and the said described tract of country is hereby restored to the public domain.

U. S. GRANT.

SOUTH DAKOTA.

Crow Creek Reserve.

[Occupied by Lower Yanktonai, Lower Brulé, Miniconjou, and Two Kettle Sioux; area, 175 square miles; treaty, April 29, 1868, and act March 2, 1889 (25 Stat., 888).]

USHER'S LANDING, DAK., *July 1, 1863.*

SIR: * * * With this report I transmit a plat and field notes of the surveys made for the Sioux and Winnebago Reservation by Mr. Powers, and to which I desire to call your attention.

* * * * *

The reservation for the Sioux of the Mississippi is bounded as follows, to wit: Beginning at a point in the middle channel of the Missouri River, opposite the mouth of Crow Creek, in Dakota Territory, follow up said channel of the Missouri River about 14 miles, to a point opposite the mouth of Sne-o-tka Creek; thence due north and through the center of the stockade surrounding the agency buildings for the Sioux of the Mississippi and Winnebago Indians, about 3 miles, to a large stone mound; thence due east 20 miles; thence due south to the Cedar Island River or American Creek; thence down the said river or creek to the middle channel of the Missouri River; thence up said channel to the place of beginning. * * *

Very respectfully, your obedient servant,

CLARK W. THOMPSON,
Superintendent of Indian Affairs.

Hon. WILLIAM P. DOLE,
Commissioner of Indian Affairs.

(See An. Rep. Ind. Office for 1863, p. 318, and Stats. at Large, vol. 15, p. 635. Also Old Winnebago Reserve, Ex. orders February 27, 1885, and April 17, 1885.)

Drifting Goose Reserve.

EXECUTIVE MANSION, *June 27, 1879.*

It is hereby ordered that townships numbered 119, 120, and 121 north, of range 63 west, in the Territory of Dakota, be, and the same are hereby, set apart as a reservation for the use of "Mag-a-bo-das" or "Drifting Goose" band of Yanktonais Sioux Indians.

R. B. HAYES.

EXECUTIVE MANSION, *July 13, 1880.*

It is hereby ordered that townships Nos. 119, 120, and 121 north, of range 63 west, in the Territory of Dakoto, set apart by Executive order, dated June 27, 1879, for the use of "Mag-a-bo-das" or "Drifting Goose" band of Yanktonais Sioux Indians, be, and the same are hereby, restored to the public domain.

R. B. HAYES.

Old Winnebago Reserve.

USHER'S LANDING, DAK., *July 1, 1863.*

SIR: With this report I transmit a plat and field-notes of the surveys made for the Sioux and Winnebago Reservations by Mr. Powers, and to which I desire to call your attention.

* * * * * * *

The reservation for the Winnebago Indians is bounded as follows, to wit: Beginning at a point in the middle channel of the Missouri River where the western boundary of the Sioux of the Mississippi Reserve intersects the same; thence north and through the center of the stockade surrounding the agency buildings of the Sioux of the Mississippi and Winnebago Indians, and along said boundary line to the northwest corner of said Sioux Reserve; thence along the northern boundary of said Sioux Reserve 10 miles; thence due north 20 miles; thence due west to the middle channel of Medicine Knoll River; thence down said river to the middle channel of the Missouri River; thence down the said channel to the place of beginning.

* * * * * * *

Very respectfully, your obedient servant,

CLARK W. THOMPSON,
Superintendent of Indian Affairs.

HON. WM. P. DOLE,
Commissioner Indian Affairs.

(See An. Rep. Ind. Office for 1863, page 318, and also Stats. at Large, vol. 15, p. 635.)

EXECUTIVE MANSION, *February 27, 1885.*

It is hereby ordered that all that tract of country in the Territory of Dakota, known as the Old Winnebago Reservation and the Sioux or Crow Creek Reservation, and lying on the east bank of the Missouri River, set apart and reserved by Executive order dated January 11, 1875, and which is not covered by Executive order dated August 9, 1879, restoring certain of the lands reserved by the order of January 11, 1875, except the following-described tracts: Townships 108 north, range 71 west, 108 north, range 72 west; fractional township 108 north, range 73 west, the west half of section 4, sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 of township 107 north, range 70 west; fractional townships 107 north, range 71 west, 107 north, range 72 west, 107 north, range 73 west, the west half of township 106 north, range 70 west, and the fractional township 106 north, range 71 west; and except also all tracts within the limits of the aforesaid Old Winnebago Reservation and the Sioux or Crow Creek Reservation, which are outside the limits of the above-described tracts and which may have heretofore been allotted to the Indians residing upon said reservation, or which may have heretofore been selected or occupied by the said

Indians under and in accordance with the provisions of article 6 of the treaty with the Sioux Indians of April 29, 1868, be, and the same is hereby, restored to the public domain.

CHESTER A. ARTHUR.

(The above order was annulled by proclamation of the President, April 17, 1885. See 23 Stats., 844.)

Santee Sioux Reserve.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
Washington, D. C., March 19, 1867.

As special commissioner I have concluded a preliminary arrangement with the Santee Sioux now at the mouth of the Niobrara, by which they consent to go into a reservation in the Territory of Dakota, and lying between the Big Sioux on the east, and the James River on the west, and between the forty-fourth and forty-fifth parallels of latitude. This reservation is selected with the approbation of the governor of the Territory and the Delegate in Congress, as also the surveyor-general of the said Territory. I am informed that there are no white settlements within its limits, and no part of it has yet been surveyed by the United States.

I would therefore request that an order be issued by the President to withdraw from market the lands embraced within the limits of the said reservation, so as to keep the whites from attempting any settlement within it. This, I am informed, has been the practice in many similar cases.

As it is important that the Indians should be removed as soon as possible, I would request that this order be issued immediately.

I am, with great respect, your obedient servant,

LEWIS V. BOGY,
Special Commissioner.

To the SECRETARY OF THE INTERIOR.
Washington City.

P. S.—I hand you a letter from General Tripp, surveyor-general of Dakota, recommending the withdrawal of this land from market.

DEPARTMENT OF THE INTERIOR,
March 20, 1867.

I respectfully lay before the President the proposition of Special Commissioner Bogy as herein contained, and recommend that the lands described be withdrawn from market.

O. H. BROWNING, *Secretary.*

Let the lands be withdrawn as recommended.

ANDREW JOHNSON.

MARCH 20, 1867.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 6, 1869.

SIR: I have the honor to transmit herewith a letter from the Commissioner of the General Land Office, dated the 2d ultimo, asking information relative to the Santee Sioux Indian Reservation, situated between the Big Sioux and James Rivers, and between the forty-fourth and forty-fifth parallels of north latitude, in Dakota Territory, and suggesting that if those lands are no longer occupied by Indians, necessary steps should be taken to restore them to the public domain.

This office has informally obtained from the General Land Office the inclosed copy of a letter and indorsements, by which it appears that Lewis V. Bogy, as a special commissioner, selected the above-described reservation, and that upon the recommendation of Hon. O. H. Browning, then Secretary of the Interior, the said lands were withdrawn from market by order of the President, dated March 20, 1867.

The Santee Sioux Indians have never occupied this reservation. They have a reservation on the Niobrara River, in Nebraska, where I deem it proper they should remain. It is not practicable for them to be located upon the reserve above described.

I therefore respectfully recommend that the order of the President withdrawing the above-described lands from market may be rescinded.

Please return the accompanying papers.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. J. D. COX,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
July 10, 1869.

The proposition of the Commissioner of Indian Affairs is approved, and I respectfully recommend that the lands withheld be restored to market.

J. D. COX, *Secretary.*

EXECUTIVE MANSION, *July 13, 1869.*

I hereby rescind the Executive order of March 20, 1867, referred to, and direct the restoration of the lands withheld to market.

U. S. GRANT.

(For other lands see "Niobrara reserve," Nebraska.)

Sioux Reserve.

EXECUTIVE MANSION, *January 11, 1875.*

It is hereby ordered that the tract of country in the Territory of Dakota lying within the following-described boundaries, viz: Commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same; thence east with said parallel of latitude to the ninety-ninth degree of west longitude; thence south with said degree of longitude to the east bank of the Missouri River; thence up and with the east bank of said river to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the several tribes of Sioux Indians, as an addition to their present reservation in said Territory.

U. S. GRANT.

EXECUTIVE MANSION, *May 20, 1875.*

It is hereby ordered that that portion of the public domain in the Territory of Dakota lying south of an east and west line from the northwest corner of the Yankton Indian Reservation to the ninety-ninth degree of longitude, and between said longitude and the Missouri River on the west and the Yankton Indian Reservation on the east, be, and the same hereby is, withdrawn from sale and settlement, and set apart for the use of the several tribes of Sioux Indians as an addition to their present reservation in said Territory.

U. S. GRANT.

EXECUTIVE MANSION, *August 9, 1879.*

It is hereby ordered that all that portion of the Sioux Indian Reservation in Dakota Territory created by Executive orders dated January 11, March 16, and May 20, 1875, and November 28, 1876, lying within the following-described boundaries, viz: Beginning at a point where the west line of the Fort Randall Military Reservation crosses the Missouri River; thence up and along said river to the mouth of American Creek; thence up and along said creek to the ninety-ninth degree of west longitude; thence south along said degree to a point due west from the northwest corner of the Yankton Indian Reservation; thence due east to the northwest corner of said reservation; thence due south to the north boundary line of Fort Randall Military Reservation; thence following said boundary line northwesterly to the northwest corner of said military reservation; thence south on the west boundary line of said reservation to the place of beginning. And also the following-described land: Beginning at the east bank of the Missouri River at the mouth of Medicine Knoll Creek; thence up and along the Missouri River to the boundary line of Fort Sully Military Reservation; thence northeasterly along said boundary line to the southeast corner of said military reservation; thence northwesterly along the boundary line of said reservation to the northeast corner thereof; thence due north to the east bank of the Missouri River; thence up and along the east bank of said river to the mouth of the Bois Cache; thence due north to the east bank of the Missouri River; thence up and along the east bank of said river to the south line of township 129 north; thence east along said township line to the line between ranges 78 and 79 west; thence north along said range line to Beaver Creek, or the north boundary line of the reservation set aside by Executive order of March 16, 1875; thence west along said creek to the east bank of the Missouri River; thence up and along said east bank to the southeast corner of Fort Rice Military Reservation; thence northeasterly along said military reservation to the east corner of said reservation; thence in a direct line to a point on the south bank of Beaver Creek where said creek is intersected by the one hundredth degree of west longitude; thence south with said one hundreth degree of longitude to the forty-sixth parallel of north latitude; thence east with said parallel of latitude to the ninety-ninth degree of west longitude; thence south with said degree of longitude to its intersection with the north boundary line of the old Sioux or Crow Creek Reservation; thence west along the north boundary line of said reservation to the eastern boundary line of the old Winnebago Reservation; thence north along said east line to the northeast corner of said Winnebago Reservation; thence west along the north boundary line of said reservation to the middle channel of Medicine Knoll Creek; thence down the middle channel of said creek to the place of beginning, be, and the same hereby is, restored to the public domain.

R. B. HAYES.

See Nebraska for Executive order of January 24, 1882.
See North Dakota for Executive order of March 20, 1884.

UTAH.

Navaho Reserve.

(For order relating to part of Navaho Reserve in Utah, see New Mexico.)

Uintah Valley Reserve.

[In the Uintah and Ouray Agency; area, 2,186 square miles; occupied by Gosiute, Pavant, Uinta, Yampa, Grand River, Uncompahgre, and White River Ute; acts of May 5, 1864 (13 Stat., 63), and May 24, 1888 (25 Stat., 157).]

DEPARTMENT OF THE INTERIOR,
Washington, October 3, 1861.

SIR: I have the honor herewith to submit for your consideration the recommendation of the Acting Commissioner of Indian Affairs that the Uintah Valley, in the Territory of Utah, be set apart and reserved for the use and occupancy of Indian tribes.

In the absence of an authorized survey (the valley and surrounding country being as yet unoccupied by settlements of our citizens), I respectfully recommend that you order the entire valley of the Uintah River within Utah Territory, extending on both sides of said river to the crest of the first range of contiguous mountains on each side, to be reserved to the United States and set apart as an Indian reservation.

Very respectfully, your obedient servant,

CALEB B. SMITH, *Secretary.*

The PRESIDENT.

EXECUTIVE OFFICE, *October 3, 1861.*

Let the reservation be established, as recommended by the Secretary of the Interior.

A. LINCOLN.

(See acts of Congress, approved May 5, 1864, 13 Stats., 63, June 18, 1878, 20 Stats., 165, and May 24, 1888, 25 Stats., 157.)

WAR DEPARTMENT,
Washington City, August 31, 1887.

To the PRESIDENT:

SIR: Upon recommendation of the commanding general, Division of the Missouri, I have the honor to request that the following-described tract of land in the Territory of Utah, embraced within the limits of the Uintah Indian reservation, created by Executive order dated October 3, 1861, and act of Congress approved May 5, 1864 (13 Stats., 63), may be duly declared and set apart by the Executive as a military reservation for the post of Fort Du Chesne, viz:

Beginning at a point 2 miles due north of the flag-staff of Fort Du Chesne, Utah Territory, and running thence due west 1 mile to the northwest corner; thence due south 3 miles to the southwest corner; thence due east 2 miles to the southeast corner; thence due north 3 miles to the northeast corner; thence due west 1 mile to the point of beginning.

Area: Six square miles, 2 by 3.

The Secretary of the Interior states that there is no objection on the part of that Department to the use of the tract in question for military purposes (the selection of which is the result of a mutual agreement), *provided* it be understood that the same be subject to such right, title, and interest as the Indians have to and in said land, which shall be vacated whenever the interest of the Indians require it.

A sketch of the proposed military reservation is inclosed herewith.

I have the honor to be, sir, with great respect, your obedient servant.

R. MACFEELY,
Acting Secretary of War.

EXECUTIVE MANSION,
Washington, September 1, 1887.

The within request is approved and the reservation is made and proclaimed accordingly; *provided*, that the use and occupancy of the land in question be subject to such right, title, and interest as the Indians have in and to the same, and that it be vacated whenever the interest of the Indians shall require it, upon notice to that effect to the Secretary of War.

The Secretary of the Interior will cause the proper notation to be made in the General Land Office.

GROVER CLEVELAND.

Uncompahgre Reserve.

[In Uintah and Ouray Agency: occupied by Tabequache Ute; acts of June 15, 1880 (21 Stat., 199), and June 7, 1897 (30 Stat., 62).]

EXECUTIVE MANSION, *January 5, 1882.*

It is hereby ordered that the following tract of country, in the Territory of Utah, be, and the same is hereby, withheld from sale and set apart as a reservation for the Uncompahgre Utes, viz: Beginning at the southeast corner of township 6 south, range 25 east, Salt Lake meridian; thence west to the southwest corner of township 6 south, range 24 east; thence north along the range line to the northwest corner of said township 6 south, range 24 east; thence west along the first standard parallel south of the Salt Lake base-line to a point where said standard parallel will, when extended, intersect the eastern boundary of the Uintah Indian Reservation as established by C. L. Du Bois, United States deputy surveyor, under his contract dated August 30, 1875; thence along said boundary southeasterly to the Green River; thence down the west bank of Green River to the point where the southern boundary of said Uintah Reservation, as surveyed by Du Bois, intersects said river; thence northwesterly with the southern boundary of said reservation to the point where the line between ranges 16 and 17 east of Salt Lake meridian will, when surveyed, intersect said southern boundary; thence south between said ranges 16 and 17 east, Salt Lake meridian, to the third standard parallel south; thence east along said third standard parallel to the eastern boundary of Utah Territory; thence north along said boundary to a point due east of the place of beginning; thence due west to the place of beginning.

CHESTER A. ARTHUR.

WASHINGTON.

Chehalis Reserve.

[In Puyallup Agency: occupied by Chinook (Tsinuk), Clatsop, and Chehalis; area, three-fourths of a square mile.]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, May 17, 1864.

SIR: I have the honor to submit for your direction in the premises sundry communications and papers from Superintendent Hale in reference to a proposed reservation for the Chehalis Indians in Washington Territory.

The condition of these Indians has been the subject of correspondence between this office and the superintendent of Indian affairs in Washington Territory for several years. It will be seen by Superintendent Hale's letter of July 3, 1862, that the country claimed by these Indians is large, comprising some 1,500 square miles; that they have never been treated with, but that the Government has surveyed the greater part of it without their consent and in the face of their remonstrances, and the choicest portions of their lands have been occupied by the whites without any remuneration to them, and without their consent or having relinquished their claim or right to it. They have been thus crowded out and excluded from the use of the lands claimed by them and those which they have heretofore cultivated for their support. This has caused much dissatisfaction and threatens serious trouble, and they manifest a determination not to be forced from what they claim as their own country. After various propositions made to them by Superintendent Hale, looking to their removal and joint occupation of other Indian reservations, to all which they strenuously objected, they expressed a willingness to relinquish all the lands hitherto claimed by them, provided they shall not be removed, and provided that a sufficient quantity of land shall be retained by them at the mouth of the Black River as a reservation.

The selection herein made in accordance with their wishes, and approved by Superintendent Hale, reduces the dimensions of their former claim to about six sections of land, with which they are satisfied, and which selection has been submitted to this office for its approval. There seems one drawback only to this selection, and that is one private land claim—that of D. Mounts—which it is proposed to purchase. The price asked is $3,500, which he considers not unreasonable. (See his communication of March 30, 1863, and accompanying papers.)

There is remaining on hand of the appropriation for "intercourse with various Indian tribes having no treaties with the United States" the sum of $3,980.12, a sufficient amount of which I have no doubt might appropriately be applied for the purpose indicated. (See U. S. Statutes at Large, vol. 12, page 792.)

I am of the opinion that the proposition is a fair one for the Government, and as it is satisfactory to the Indians interested, I see no objection to its approval by the Department, especially so when it is considered that it will peaceably avert impending trouble.

As recommended in the letters herewith submitted, it will also be necessary, doubtless, to make some provision for them after they shall have been assured of the quiet and permanent possession of the proposed reservation for a future home. But this may subsequently receive the attention of the Department. These Indians are represented to be in a very hopeful condition. They wish to abandon a roving life; to establish themselves in houses and cultivate their lands; to educate their children, and live peaceably with all.

These papers are submitted for your information in considering the subject, and, if it shall commend itself to your judgment, for the approval of the proposed selection as a reservation for these Indians and the purchase of the private land claim of D. Mounts thereon.

Very respectfully, your obedient servant,

WM. P. DOLE, *Commissioner.*

Hon. J. P. USHER,
Secretary of the Interior.

[Inclosure.]

Boundaries of the Chehalis Indian Reservation, as compiled from the field-notes of the public surveys in the office of the surveyor-general of Washington Territory, beginning at the post-corner to sections 1 and 2, 35 and 36, on the township line between townships Nos. 15 and 16 north, of range 4 west of the Willamette meridian, being the northeast corner of the reservation; thence west along the township line 240 chains to the post-corner to sections 4, 5, 32, and 33; thence north on line between sections 32 and 33, 26.64 chains, to the southeast corner of James H. Roundtree's donation claim; thence west along the south boundary of said claim 71.50 chains to its southwest corner; thence north on west boundary of the claim 18.10 chains; thence west 8.50 chains to the quarter-section post on line of sections

31 and 32; thence north along said section line 40.00 chains to the post-corner to sections 29, 30, 31, and 32; thence west on line between sections 30 and 31, 25 and 36, 101.24 chains to the Chehalis River; thence up the Chehalis River with its meanderings, keeping to the south of Sand Island, to the post on the right bank of the river, being the corner to fractional sections 1 and 2; thence north on the line between sections 1 and 2, 73.94 chains to the place of beginning.

The copy of the field-notes in full, as taken from the record of the public surveys now on file in this office, and from which the above is compiled, is duly certified as being correct by the surveyor-general of the Territory.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Olympia, Wash., December 10, 1863.

The within and foregoing boundaries, as described in the notes and accompanying diagram of the proposed Chehalis Indian Reservation, are approved by me as correct, and being in accordance with instructions given by me, the same being subject to the approval of the Commissioner of Indian Affairs.

C. H. HALE,
Superintendent of Indian Affairs, Washington Territory.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 8, 1864.

SIR: I return herewith the papers submitted with your report of the 17th May last in relation to a proposed reservation for the Chehalis Indians in Washington Territory.

I approve the suggestion made in relation to the subject, and you are hereby authorized and instructed to purchase the improvements of D. Mounts, which are on the lands selected for the reservation, if it can now be done for the price named for them, viz, $3,500, including the crops grown or growing this season upon the premises.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

WILLIAM P. DOLE, Esq.,
Commissioner of Indian Affairs.

NOTE.—D. Mounts was paid for his improvements by Superintendent Waterman, January 6, 1865.

EXECUTIVE MANSION, *October 1, 1886.*

It is hereby ordered that the following tract of country in Washington Territory, reserved for the use and occupation of the Chehalis Indians, by order of the Secretary of the Interior, dated July 8, 1864, be, and the same is hereby, restored to the public domain:

Beginning at the post-corner to sections 1 and 2, 35 and 36, on the township line between townships Nos. 15 and 16 north, of range 4 west of the Willamette meridian, being the northeast corner of the reservation; thence west along the township line 240 chains to the post-corner to sections 4, 5, 32 and 33; thence north on line between sections 32 and 33, 26.64 chains, to the southeast corner of James H. Roundtree's donation claim; thence west along the south boundary of said claim 71.50 chains to its southwest corner; thence north on west boundary of the claim 13.10 chains; thence west 8.50 chains to the quarter-section post on line of sections 31 and 32; thence north along said section line 40.00 chains to the post-corner to sections 29, 30, 31, and 32; thence west on line between sections 30 and 31, 25 and 36, 101.24 chains to the Chehalis River; thence up the Chehalis River with its meanderings, keeping to the south of Sand Island, to the post on the right bank of the river, being the corner to fractional sections

1 and 2; thence north on the line between sections 1 and 2, 73.94 chains to the place of beginning.

It is further ordered that the south half of section 3 and the northwest quarter of section 10, township No. 15 north, of range 4 west of the Willamette meridian, Washington Territory, be, and the same is hereby, withdrawn from sale or other disposition, and set apart for the use and occupation of the Chehalis Indians.

GROVER CLEVELAND.

Columbia or Moses Reserve.

[In Colville Agency; occupied by Chief Moses and his people; area, 98 square miles; act of July 4, 1884 (23 Stat., 79).]

EXECUTIVE MANSION, *April 19, 1879.*

It is hereby ordered that the tract of country in Washington Territory lying within the following-described boundaries, viz: Commencing at the intersection of the forty-mile limits of the branch line of the Northern Pacific Railroad with the Okinakane River; thence up said river to the boundary line between the United States and British Columbia; thence west on said boundary line to the forty-fourth degree of longitude west from Washington; thence south on said degree of longitude to its intersection with the forty-mile limits of the branch line of the Northern Pacific Railroad; and thence with the line of said forty-mile limits to the place of beginning, be, and the same is hereby, withdrawn from sale and set apart as a reservation for the permanent use and occupancy of Chief Moses and his people, and such other friendly Indians as may elect to settle thereon with his consent and that of the Secretary of the Interior.

R. B. HAYES.

EXECUTIVE MANSION, *March 6, 1880.*

It is hereby ordered that the tract of country in Washington Territory lying within the following-described boundaries, viz: Commencing at a point where the south boundary line of the reservation created for Chief Moses and his people by Executive order dated April 19, 1879, intersects the Okinakane River; thence down said river to its confluence with the Columbia River; thence across and down the east bank of said Columbia River to a point opposite the river forming the outlet to Lake Chelan; thence across said Columbia River and along the south shore of said outlet to Lake Chelan; thence following the meanderings of the south bank of said lake to the mouth of Shehekin Creek; thence up and along the south bank of said creek to its source; thence due west to the forty-fourth degree of longitude west from Washington; thence north along said degree to the south boundary of the reservation created by Executive order of April 19, 1879; thence along the south boundary of said reservation to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement and set apart for the permanent use and occupancy of Chief Moses and his people and such other friendly Indians as may elect to settle thereon with his consent and that of the Secretary of the Interior, as an addition to the reservation set apart for said Chief Moses and his people by Executive order dated April 19, 1879.

R. B. HAYES.

EXECUTIVE MANSION, *February 23, 1883.*

It is hereby ordered that the tract of country in Washington Territory lying within the following-described boundaries, viz: Commencing at the intersection of the forty-fourth degree of longitude west from Washington with the boundary line between the United States and British Columbia; thence due south 15 miles; thence due east to the Okinakane River; thence up said river to the boundary line between the United States and British Columbia; thence west along said boundary line to the place of beginning, being a portion of the country set apart for the use of Chief Moses and his people by Executive orders of April 19, 1879, and March 6, 1880, be, and the same is hereby, restored to the public domain.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *May 1, 1886.*

It is hereby ordered that all that portion of country in Washington Territory withdrawn from sale and settlement, and set apart for the permanent use and occupation of Chief Moses and his people and such other friendly Indians as might elect to settle thereon with his consent and that of the Secretary of the Interior, by the Executive orders dated April 19, 1879, and March 6, 1880, respectively, and not restored to the public domain by the Executive order dated February 23, 1883, be, and the same is hereby, restored to the public domain, subject to the limitations as to disposition imposed by the act of Congress approved July 4, 1884 (23 Stats., pp. 79–80), ratifying and confirming the agreement entered into July 7, 1883, between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville Reservations in Washington Territory.

And it is hereby further ordered that the tracts of land in Washington Territory surveyed for and allotted to Sar-sarp-kin and other Indians in accordance with the provisions of said act of July 4, 1884, which allotments were approved by the Acting Secretary of the Interior April 12, 1886, be, and the same are hereby, set apart for the exclusive use and occupation of said Indians, the field-notes of the survey of said allotments being as follows:*

[Allotments Nos. 1, 2, 3, and 4, in favor of Sar-sarp-kin, Cum-sloct-soose, Showder, and Jack respectively.]

Set stone on north bank of Sar-sarp-kin Lake for center of south line of claim No. 1. Run line north 78 degrees west and south 78 degrees east, and blazed trees to show course of south line of claim. Then run north 12 degrees east (var. 22 degrees east) in center of claim At 80 chains set temporary stake and continued course. At 20 chains came to brush on right bank of Waring Creek and offset to the right 9.25 chains. Thence continued course to 65 chains and offset to right 13.25 chains to avoid creek bottom and continued course. At 80 chains set temporary stake and continued course. At 37.50 offset 4.50 chains to right to avoid creek bottom and continued course. At 55.50 chains offset to right 4.77 chains to avoid creek bottom and continued course. At 80 chains set temporary stake and continued course to 32.60 chains. Thence run south 78 degrees east 3.23 chains and set stone 10 by 10 by 24 inches for northeast corner of claim. Then retraced line north 78 degrees west 12 chains and set stone 6 by 6 by 18 inches to course of north line of claim No. 1, and south line of claim No. 2, and for center point in south line of claim No. 2 (claim No. 1, Sar-sarp-kin's contains 2,180.8 acres). Thence run north 12 degrees east 80 chains. Blazed pine 20 inches diameter on 3 sides on right bank of Waring Creek for center of north line of claim No. 2, and center of south line of claim No. 3. Set small stones north 78 degrees west and south 78 degrees east to show course of said line. Thence run north 12 degrees east in center of claim No. 3. At 10.50 chains offset to right 3 chains to avoid creek bottom and continued course. At 71 chains offset to left 4.23 chains to avoid creek bottom and continued course. At 76.25

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*See Appendix II, post page, 1048.

chains crossed Waring Creek 20 links wide. At 80 chains offset to right 1.23 chains and set stone 8 by 8 by 16 inches for center of north line of claim No. 3, and center of south line of claim No. 4. Run north 78 degrees west and south 78 degrees east and set stake to show course of said line. Then from center stone offset to left 1.23 chains and run thence north 12 degrees east. At 28 chains offset to left 2 chains to avoid creek bottom and continued course. At 80 chains offset to right 3.23 chains and set stone 10 by 10 by 16 inches on left bank of creek for center of north line of claim, and set stones north 78 degrees west and south 78 degrees east to show course of line.

[Allotment No. 5, in favor of Ke-la-witch-ka.]

From large stone, with two small stones on top, as center of north line of claim near left bank of Waring Creek, about 1¼ miles down stream from claim No. 4, and about 1 mile up stream from Mr. Waring's house, run line north 80¼ degrees west and south 80¼ degrees east, and set small stones to show course of north line of claim. Then run south 9¼ degrees west (var. 22 degrees east); at 79.20 chains crossed Cecil Creek 15 links wide. At 80 chains blazed pine 24 inches diameter on four sides, in clump of four pines, for center of south line of claim. Thence run north 80¼ degrees west and south 80¼ degrees east, and blazed trees to show course of south line of claim.

[Allotment No. 6, in favor of Sar-sarp-kin.]

From stone on ridge between Toad Coulee and Waring Creeks run north 88 degrees east (var. 22 degrees east). At 18.50 chains enter field. At 24.50 chains enter brush. At 30.10 chains cross Waring Creek 25 links wide. At 47.60 chains cross Waring's fence. At 65 chains set stone for corner 12 by 12 by 12 inches from which a pine 24 inches diameter bears north 88 degrees east 300 links distant. Thence north 4 degrees west 10.50 chains; set stone for corner 8 by 8 by 18 inches. Thence north 16 degrees west. At 29.20 chains pine tree 30 inches diameter in line. At 55 chains set stone for corner. Thence south 66¼ degrees west to junction of Toad Coulee and Waring Creeks, and continue same course up Toad Coulee Creek to 81 chains blazed fir 18 inches diameter on four sides for corner, standing on right bank of Toad Coulee Creek on small island. Thence south 38 degrees east. At 52 links cross small creek—branch of Toad Coulee Creek—and continued course. At 42 chains point of beginning. The above-described tract of land contains 379 acres.

[Allotment No. 7, in favor of Quo-lock-cus, on the headwaters of Johnson Creek.]

From pile of stone on south side of Johnson Creek Canon—dry at this point—125 feet deep, about 1 chain from the west end of canon, from which a fir 10 inches diameter bears north 25 degrees west 75 links distant, run south 55 degrees west (var. 22 degrees east). At 80 chains made stone mound for corner from which a large limestone rock 10 by 10 by 10 bears on the same course south 55 degrees west 8.80 chains distant. From monument run north 35 degrees west. At 72.50 chains crossed Jonnson brook 4 links wide, and continued course east 80 chains. Made mound of stone, and run thence north 55 degrees east 80 chains. Made stone monument and run thence south 35 degrees east 80 chains to beginning.

[Allotment No. 8, in favor of Nek-quel-e-kin, or Wa-pa-to John.]

From stone monument on shore of Lake Chelan, near houses of Wa-pa-to John and Us-tah, run north (var. 22 degrees east)
10.00 chains, Wa-pa-to John's house bears west 10 links distant;
12.50 chains, Catholic chapel bears west 10 links distant;
32.50 chains, fence, course east and west;

80.00 chains, set stake 4 inches square 4 feet long in stone mound for northeast corner of claim. Thence run west
30.00 chains, cross trail, course northwest and southeast,
80.00 chains, made stone monument for northwest corner of claim. Thence run south
35.60 chains, crossed fence, course east and west,
77.00 chains, blazed cottonwood tree 12 inches in diameter on 4 sides for corner on shore of Lake Chelan, marked W. T. on side facing lake. Lake Chelan forms the southern boundary of claim, which contains about 640 acres.

[Allotment No. 9, in favor of Us-tah.]

This claim is bounded on the west by Wa-pa-to John's claim, and on the south by lake Chelan. From Wa-pa-to John's northeast corner, which is a stake in stone mound run south 64½ degrees east (var. 22 degrees east)
88.56 chains, set stake in stone mound for corner of claim. Thence run south
55.50 chains, trail, course northwest and southeast,
80.00 chains, shore of Lake Chelan; set stake in stone mound for corner of claim, which contains about 640 acres.

[Allotment No. 10, in favor of Que-til-qua-soon, or Peter.]

This claim is bounded on the east by Wa-pa-to John's claim, and on the south and west by Lake Chelan. The field-notes of north boundary are as follows: From northwest corner of Wa-pa-to John's claim, which is a stone monument, run west (var. 22 degrees east)
113.00 chains, shore of Lake Chelan. Blazed pine tree at the point 20 inches diameter on four sides for northwest corner of claim. This claim contains about 540 acres.

[Allotment No. 11, in favor of Tan-te-ak-o, or Johnny Isadore.]

From Wa-pa-to John's northeast corner, which is a stake in stone mound, run west (var. 22 degrees east) with Wa-pa-to John's north boundary line to stone monument,
80.00 chains, which is also a corner to Wa-pa-to John's and Peter's land. Thence on same course with Peter's north line
33.00 chains, made stone monument in said line for southwest corner of claim, and run thence north (var. 22½ degrees east)
80.00 chains, made stone monument on west side of shallow lake of about 40 acres, and continued course to
113.35 chains, made stone monument for north corner of claim, and run thence south 45 degrees east
160.00 chains, point of beginning. This claim contains 640 acres.

[Allotment No. 12, in favor of Ke-up-kin or Celeste.]

This claim is bounded on the south by Peter's and on the east by Johnny's claim. From Peter's northwest corner, which is a pine, 20 inches diameter, blazed on four sides, on shore of Lake Chelan, run east with Peter's north line,
80.00 chains, stone monument, previously established, which is also a corner to Johnny's land. Thence north with Johnny's land,
80.00 chains, stone monument, previously established on west shore of shallow lake. Thence run west (var. 22½ degrees east)
80.00 chains. Set stake in stone mound for northwest corner of claim, from which a blazed pine 24 inches in diameter bears south 50 degrees west 98 links distant. A blazed pine 20 inches diameter bears north 45 degrees east 110 links distant. Thence north through open pine timber
80.00 chains, point of beginning.

[Allotment No. 13, in favor of Ta-we-na-ho, of Amena.]

From Johnny's northwest corner, which is a stone monument, run south with Johnny's line,

33.35 chains, stone monument previously established, the same being Celesta's northeast corner. Thence west with Celesta's line,

80.00 chains, stone monument previously established, the same being the northwest corner of Celesta's claim. Thence north (var. 22 degrees east)

85.50 chains, small creek 4 links wide, course east and west,

126.70 chains, made stone monument for northwest corner of claim, from which a blazed pine 12 inches in diameter bears south 10 degrees west 59 links distant.

Thence run south 40½ degrees east

123.00 chains, point of beginning. This claim contains 640 acres.

[Allotment No. 14, in favor of Pa-a-na-wa or Pedoi.]

From northwest corner of Ameno's claim, which is a stone monument, from which a blazed pine 12 inches in diameter bears south 10 degrees west 59 links distant, run north 75 degrees west

43.50 chains, shore of Lake Chelan, blazed pine tree 6 inches in diameter on 4 sides for northwest corner of claim, from which a blazed pine 14 inches in diameter bears north 45 degrees east 13 links distant. Thence returned to point of beginning and run south with Ameno's line.

46.70 chains offset on right, 70.00 chains to Lake Chelan;

86.70 chains offset on right, 62.00 chains to Lake Chelan;

101.20 chains, made stone monument, from which a blazed pine 30 inches in diameter bears north 40 degrees west 95 links distant, a blazed pine 30 inches in diameter bears 40 degrees west 72 links distant. Thence run west

62.00 chains, shore of Lake Chelan. Made stone monument for southwest corner of claim, from which a blazed pine 10 inches in diameter bears north 30 links distant. Lake Chelan forms the western boundary of claim, which contains 640 acres.

[Allotment No. 15, in favor of Yo-ke-all.]

From southwest corner of Pedoi's claim, which is a stone monument, from which a blazed pine 10 inches diameter bears north 30 links distant, run east with Pedoi's line,

62.00 chains, stone monument, previously established, from which a blazed pine, 30 inches diameter bears north 40 degrees west 95 links distant. A blazed pine 30 inches diameter bears south 40 degrees west 72 links distant, the same being Pedoi's southeast corner. Thence run south with Ameno's west line,

25.50 chains, stake in stone mound, previously established for corner to Ameno's and Celesta's claim. Thence continued course south with Celesta's west line to 105.50 chains, pine tree 20 inches in diameter, on shore of Lake Chelan, previously blazed on four sides for corner to Peter and Celesta's claims. Thence with the shore of lake in a northwesterly direction to point of beginning. This claim contains about 350 acres.

[Allotment No. 16, in favor of La-kay-use, or Peter.]

From stone monument, on bunch-grass bench, about 1½ miles in a northeastly direction from Wa-pa-to John's house, run north 61½ degrees east (var. 22 degrees east)

51.00 chains, enter small brushy marsh.

52.50 chains, leave marsh.

56.00 chains, made stone monument for corner of claim and run thence south 28½ degrees east.

11.60 chains, cross small irrigating ditch—small field and garden lie on right.

114.30 chains, made stone monument for corner and run thence south 61¼ degrees west.

56.00 chains, made stone monument for corner of claim and run thence north 28¼ degrees west.

4.30 chains, stone monument—point of beginning. This claim contains 640 acres.

[Allotment No. 17, in favor of Ma-Kai.]

Field-notes of Ma-Kai's allotment on the Columbia Reservation. It is bounded on the west by Ustah's allotment, and on the south by Lake Chelan. From Ustah's northeast corner, which is a stake in stone mound, run south 64¼ degrees east (var. 22 degrees).

80.00 chains, build monument of stone, running thence south.

80.00 chains, to the bank of Lake Chelan, built monument of stone; thence north 64¼ degrees west along Lake Chelan.

80.00 chains, to the southeast corner of Ustah's allotment.

The above-described figure contains 507.50 acres.

[Antwine Settlement.]

This settlement, consisting of three claims in the same vicinity, though not adjoining, is located on or near the Columbia River, about 7 miles above Lake Chelan, and about 8 miles below the mouth of the Methow River, on the Columbia Reservation.

[Allotment No. 18, in favor of Scum-me-cha or Antoine.]

From stone monument about 2 miles north from the Columbia, from which a blazed fir 20 inches in diameter bears south 80 degrees west 60 links distant, run south 35¼ degrees east (var. 22 degrees east).

30.00 chains, summit of mountain spur, about 50 feet high. Antwine's house north 35 degrees east, about 20 chains distant.

80.00 chains, made stone monument for corner, from which a blazed pine 8 inches in diameter bears south 45 degrees west 32 links distant. Thence run north 55¼ degrees east (var. 22¼ degrees).

58.00 chains, bottom of dry cañon 100 feet deep, course northwest and southeast.

80.00 chains, made stone monument for corner about one-quarter mile from Columbia River, and run thence north 34¼ degrees west.

80.00 chains, made stone monument for corner and run thence south 55¼ degrees west.

80.00 chains, stone monument, point of beginning.

[Allotment No. 19, in favor of Joe-is-kon or San Pierre.]

This claim lies about 3 miles in a northwesterly direction from Antoine's claim, and consists of a body of hay land of about 100 acres, surrounded by heavy timber. From stone monument on hillside, facing southeast, from which a blazed pine 8 inches diameter bears south 60 degrees east 56 links distant. From which a blazed pine 8 inches diameter bears west 76 links distant. Run south 23¼ degrees east (var. 22 degrees east).

6.50 chains, enter grass lands.

25.00 chains, leave grass lands.

80.00 chains, made stone monument for corner, from which a blazed pine 20 inches diameter bears north 85 degrees east 20 links distant. A blazed pine 20 inches diameter bears north 15 degrees east 27 links distant. Thence run north 66¾ degrees east.

80.00 chains, made stone monument on steep little hillside for corner. Thence run north 23¾ degrees west.

80.00 chains, made stone monument on mountain side for corner, from which a blazed pine 18 inches diameter bears north 40 degrees east 105 links distant. From which a blazed pine 20 inches diameter bears south 10 degrees east 127 links distant. Thence run south 66¾ degrees west along mountain side.

80.00 chains, to point of beginning.

[Allotment No. 20, in favor of Charles Iswald.]

This claim lies about 2 miles in a northeasterly direction from Antoine's claim. It contains no timber, but is mostly fair grazing land with about 100 acres susceptible of cultivation. No improvements. From pine tree on right bank of Columbia River, blazed on four sides where rocky spur 200 feet high comes down to near bank, forming narrow pass, from which a blazed pine 36 inches in diameter bears north 177 links distant, run south 13 degrees west (variation 22 degrees east).

102.25 chains, made stone monument for corner on hillside in view of main trail. Thence run south 5¾ degrees west.

78.00 chains, made stone monument for corner. Thence south ¼ degree west.

25.65 chains, made stone monument on bank of Columbia River for corner. Thence with said river to a point of beginning, containing 640 acres of land.

The three following claims are all adjoining. They are located on and near the Columbia River, about 12 miles above Lake Chelan, and about 8 miles below the mouth of the Methow River.

[Allotment No. 21, in favor of In-perk-skin, or Peter No. 8.]

From pine 12 inches diameter blazed on four sides on right bank of Columbia River, from which a blazed pine 10 inches diameter bears south 40 degrees east, 46 links distant, run north 69¼ degrees west (var. 22 degrees east).

3.50 chains, enter corner of small field.

7.50 chains, leave field.

8 chains, cross trail.

80 chains, made stone monument for corner on mountain side about 500 feet above river. Thence run north 20¾ degrees east.

24.00 chains, summit of rugged little mountain 700 feet high.

80.00 chains, made stone monument for corner on top of small rocky hill about 40 feet high. Thence south 69¼ degrees east.

80.00 chains, erected stone monument for corner about 15 chains from river bank. Thence south 20¾ degrees west.

80.00 chains, point of beginning.

[Allotment No. 22, in favor of Tew-wow-wa-ten-eak or Asnoss.]

From northwest corner of Peter's claim, which is a stone monument on summit of small hill, run north 20¾ degrees east (var. 22½ degrees east).

80.00 chains, made stone monument for corner, and run thence north 69¼ degrees west (var. 23 degrees east).

80.00 chains, made stone monument for corner, and run thence south 20¾ degrees west (var. 22½ degrees east).

39.00 chains, summit of steep hill 100 feet high.

80.00 chains, made stone monument for corner of claim on rolling hillside facing west. Thence south 69¼ degrees east (var. 23½ degrees east).

80.00 chains, point of beginning.

6

[Allotment No. 23, in favor of Stem-na-lux or Elisabeth.]

From northwest corner of Peter's claim, the same being the southeast corner of Aeneas' claim, which is a stone monument on top of small hill, run north 69¼ degrees west with Aeneas' south line (var. 22¼ degrees east).

80.00 chains, stone monument, previously established for southwest corner of Aeneas' claim. Thence north 20¾ degrees west (var. 23¼ degrees east).

65.00 chains, summit of hill.

80.00 chains, made stone monument for corner from which a blazed pine 24 inches diameter bears south 70 links distant. A blazed pine 24 inches diameter bears south 20 degrees west 84 links distant. Thence south 69¼ degrees east.

80.00 chains, monument previously established for southwest corner of Peter's claim. Thence south 20¾ degrees east with Peter's west line.

80 chains, point of beginning.

The five following claims are all adjoining. They are located along the southern bank of the Methow, and the western bank of the Columbia on the Columbia Reservation.

[Allotment No. 24, in favor of Neek-kow-it or Captain Joe.]

From stone monument on right bank of Methow River, about three-fourth mile from its mouth, from which a pine 24 inches in diameter bears north 37 degrees west on opposite bank of Methow, for witness corner to true corner, which is in center of Methow River, opposite monument, 1.50 chains distant. Run south 37 degrees west (var. 22 degrees east). (Distances given are from true corner.)

7.00 chains, enter garden.

12.00 chains, leave garden.

39.00 chains, top of bench 400 feet high.

116.50 chains, Cañon Mouth Lake, containing about 80 acres. Set stake in stone mound on shore of lake for witness corner to true corner, which falls on side of impassable mountain, beyond lake 160 chains from point of beginning. Returned to witness corner previously set on bank of Methow, and run thence north 53 degrees west.

40.00 chains, offset on right 2 chains to bank of Methow, and made stone monument for witness to true corner, which falls in center of Methow, opposite monument 1 chain distant. Thence run south 37 degrees west. (Distances given are from true corner).

42.00 chains, top of bench 400 feet high.

113.00 chains, marked tree with two notches fore and aft, and blazed one tree on each side to show course of line.

115.00 chains, impassable mountain. True corner falls in course on mountain side 160 chains distant from true corner at other end of line in the Methow River.

GENERAL DESCRIPTION OF BOUNDARY.

From point first described in center of Methow River south 37 degrees west 160 chains; thence north 52 degrees 39 minutes west 40.90 chains; thence north 37 degrees east 160 chains to point previously described in middle of Methow; thence with middle of Methow River to point of beginning. Claim contains 640 acres.

[Allotment No. 25, in favor of Hay-tal-i-cum, or Narcisse.]

From stone monument on right bank of Methow River, previously described as witness corner to point of beginning to survey of Captain Joe's claim, said monument being a true corner to this claim, run south 37 degrees west with Captain Joe's line (var. 22 degrees east).

45.60 chains, set stake in stone mound for corner and run thence south 53 degrees east.

80.00 chains, set stake 8 inches square for corner; thence run north 37 degrees east.

73.10 chains, made stone monument for corner on right bank of Columbia. Near opposite bank of river a black rock protrudes from water. Thence with right bank of Columbia River to mouth of Methow River. Thence with right bank of Methow River to point of beginning. This claim contains 640 acres of land.

[Allotment No. 26, in favor of Kleck-hum-tecks.]

From stake in stone mound previously set in Captain Joe's southeast line, the same being the southwest corner to Narcisse's claim, run south 53 degrees east (var. 22 degrees east), with Narcisse's line.

80.00 chains, corner previously established, thence runs south 37 degrees west.

80.00 chains, set stake for corner, and run thence north 53 degrees west.

73.80 chains, set stake marked W. C., on shore of Cañon Mouth Lake, from which blazed aspen, 6 inches diameter, bears north 5 degrees west 94 links distant for witness corner to true corner, which falls on line 6.50 chains further in lake, in Captain Joe's southeast line. Thence with said line north 37 degrees east 80 chains to point of beginning. This claim contains 640 acres.

[Allotment No. 27, in favor of Ki-at-kwa, or Mary.]

From witness corner previously established on Methow, in Captain Joe's northwest line, the same being taken as a true corner to this claim, run south 37 degrees west (var. 22 degrees east) with Captain Joe's line.

80.00 chains, made stone monument for corner; then returned on line, and from point 1.50 chains from corner run north 53 degrees west.

64.00 chains, offset to left 22 chains to avoid bend in river and continued course.

80.00 chains, bank of Methow River. Made stone monument for corner, and run thence south 37 degrees west.

12.00 chains, top of bench 400 feet high.

24.00 chains, foot of perpendicular basaltic cliff offset to right 2 chains.

31.50 chains, offset to left 2 chains and continued course.

40.00 chains, made stone monument and continued course.

45.00 chains, impassable mountain. True corner falls 11.50 chains further on line on side of mountain.

GENERAL DESCRIPTION OF BOUNDARY.

From point of beginning south 37 degrees west 80 chains; thence north 53 degrees west 80 chains; thence north 37 degrees east 56.50 chains to corner on Methow; thence with right bank of Methow to point of beginning, containing about 640 acres.

[Allotment No. 28, in favor of Ta-tat-kein, or Tom.]

From northwest corner of Mary's claim, which is a stone monument on the right bank of the Methow, run south 27 degrees west (var. 22 degrees east) with Mary's line.

40.00 chains, corner previously established, stone monument; thence north 53 degrees west.
80.00 chains, made stone monument in aspen thicket for corner; thence north 27 degrees east.
106.50 chains, right bank of Methow River; made stone monument for corner; thence with right bank of Methow River to point of beginning. This claim contains about 640 acres.

DOWNING CREEK SETTLEMENT.

This settlement consists of two adjoining claims on Downing Creek, on the right bank of the Columbia River on the Columbia Reservation, about 7 miles below the mouth of the Okinakane River, and about 8 miles above the mouth of the Methow River.

[Allotment No. 29, in favor of La-la-elque.]

From stone monument on right bank of Columbia River, about one-half mile above mouth of Downing Creek, run north 25 degrees west (var. 22 degrees east)

42.75 chains, point on hill about 500 feet high, 80 links to right of old stone mound on top of hill;
79.30 chains, large flat-topped stone, 5 links to right;
80.00 chains, made stone monument for corner and run thence south 65 degrees west
80.00 chains, made stone monument for corner on hillside near top of hill and run thence south 25 degrees east
78.00 chains, bank of Columbia River. Made stone monument for corner. Thence with Columbia River to point of beginning. This claim contains about 640 acres.

[Allotment No. 30, in favor of Snain-chucks.]

From northeast corner of La-la-elque's claim, which is a stone monument, run north 25 degrees west

80.00 chains, made stone monument for corner and run thence south 65 degrees west
80.00 chains, made stone monument for corner and run thence south 25 degrees east
80.00 chains, stone monument previously established, the same being La-la-elque's northwest corner; thence north 65 degrees east.
80.00 chains, point of beginning. This claim contains 640 acres of land.

[Allotment No. 31, in favor of Edward, near Palmer Lake, Toad Coulee.]

Commencing at a prominent rock 7 feet by 3 feet by 4 inches and unknown length, the above dimensions projecting above the surface. Running thence (var. 22 degrees 15 minutes) north 82 degrees east 80 chains. At 57.70 Thorn Creek, 80 links wide, northeast. At 80 set willow stake 5 inches square and 5 feet long, marked sta. 1, north 8 degrees west 80 chains. A lime-juice tree 18 inches diameter at 80, set basaltic stone 2 feet by 8 inches by 6 inches with monument of stone on the side of bluff on the east side of the valley, sta. 2, south 82 degrees west 80 chains. At 6 chains Thorn Creek 80 links wide bears northeast, at 8 chains the Smilkameen (Similkameen) River 100 links wide bears northeast. At 39, on the same river, bears southwest. At 80 set quaking aspen stake 4 inches square, 4 feet long, marked sta. 3. South 8 degrees east 80 chains to the place of beginning. The terminus. 640 acres.

[Allotment No. 32, in favor of Dominee.]

Commencing on a slough of the Smilkameen (Similkameen) River, on the forty-ninth parallel (the British line) set quaking aspen stake 4 inches square and 4 feet long, 18 inches in the earth, marked C. C., from which a pine tree 42 inches in diameter bears north 79 degrees 45 minutes west 2 chains, marked C. C. B. T., facing post; thence (var. 22 degrees 15 minutes east) west 31 chains to a point from which the parallel monument bears west 4.77 chains; built monument of granite stone. South 134 chains. At 42.50 chains a spring branch, 5 links wide, bears east. At 134 chains built monument of stone at foot of bluff. East 61.53 chains to a balm tree 30 inches in diameter, marked sta. 3, facing west, from which the Smilkameen (Similkameen) River bears west 2.43 chains. North 12 degrees 30 minutes west 137.43 chains. At 10 chains the Smilkameen (Similkameen) River bears southeast; at 120 the same river west of south. At 137.43 intersect the place of beginning.

Terminus. 620.26 acres.

[Allotment No. 33, in favor of Ko-mo-dal-kiah.]

Commencing on the west bank of the Okanagan (Okinakane) River at the north end of an island, set stake 4 inches square, 4 feet long, marked C. C., with mound. Running thence (var. 22 degrees 15 minutes) south 86 degrees 45 minutes west 150 chains, set balm stake 4 inches square, 4 feet long, and 18 inches in the earth, with monument of washed bowlders covered with mound of earth, 4 pits, and marked sta. 1. South 3 degrees 15 minutes east 42.66 chains, set balm stake 4 inches square 4 feet long, marked sta. 2, with monument of granite stones. North 86 degrees 45 minutes east 138.21 chains. A balm tree on the west bank of the Okanagan (Okinakane) River, marked sta. 3, facing west, the true corner falling in the Okanagan (Okinakane) River, 11.79 chains further on in the same line at the east bank of an island, north 3 degrees 15 minutes west 42.66 chains, intersect the north line from which the place of beginning bears north 86 degrees 45 minutes east 11.79, the terminus. Area 639.90 acres.

[Allotment No. 34, in favor of Paul.]

Commencing at the southwest corner (sta. 3) of Ko-mo-dal-kiah's allotment. Running thence (var. 22 degrees 15 minutes) south 3 degrees 15 minutes east 42.66 chains; built monument of basaltic stone, sta. 1. North 86 degrees 45 minutes east 142.87 chains intersect the Okanagan (Okinakane) River. Set balm stake 4 inches square 4 feet long, and 18 inches in the ground, marked (sta. 2). North 9 degrees 45 minutes west 42.70 chains, Ko-mo-dal-kiah's bearing corner a balm tree 12 inches in diameter marked sta. C. C. on the south side. The terminus. Area, 599.55 acres.

[Allotment No. 35, in favor of Que-lock-us-soma.]

Commencing at the southeast corner of Paul's allotment, running thence (var. 22 degrees 15 minutes) south 86 degrees 45 minutes west 43.87 chains; built monument of washed granite bowlders (sta. 1). South 3 degrees 15 minutes east 80 chains; built monument of washed granite bowlders (sta. 2). North 86 degrees 45 minutes east 96.42 chains; intersect the Okanagan (Okinakane) River, set balm stake 4 inches square 4 feet long and 18 inches in the ground, marked (sta. 3);

thence up the Okanagan (Okinakane) River, north 45 degrees 30 minutes west 76 chains to a curve in the river. North 3 degrees 15 minutes west 25 chains, intersect the place of beginning. The terminus. Area, 495.47 acres.

[Allotment No. 36, in favor of Se-cum-ka-nallux.]

Commencing on the west bank of Okanagan (Okinakane) River at a little pine tree 4 inches in diameter; running thence down the river (var. 22 degrees 15 minutes) south 3 degrees west 45.65 chains to a pine tree on the bank of the Okanagan (Okinakane); thence down the river north 57 degrees 45 minutes west 22 chains, intersect the old Indian trail, built monument of stone. South 15 degrees west 124.50 chains to a pine tree 25 inches in diameter, marked Sta. 3; thence north 51 degrees 45 minutes west 82.75 chains; at 22 chains a small lake 5 chains wide; at 82.75 built monument of stone, north 50 degrees east 167.55 chains, to the place of beginning—the terminus. Area, 637.44 acres.

[Allotment No. 37, in favor of John Salla-Salla.]

Commencing at the junction of Johnston Creek and the Okanagan (Okinakane) River; thence by Johnston Creek (var. 22 degrees 15 minutes) south 69 degrees 45 minutes west 40 chains; built monument of stone on the south bank of Johnston Creek; Sta. — 8 degrees 15 minutes west 91.54 chains; built monument of basaltic stone, Sta.; north 69 degrees 45 minutes east 117.50 chains to the Okanagan (Okinakane) River; set balm stake 4 inches square 4 feet long, marked Sta. 3, north 45 degrees 30 minutes west 86.53 chains to the place of beginning, the mouth of Johnston Creek. Area, 630 acres.

GROVER CLEVELAND.

Colville Reserve.

[Area, 2,031¼ square miles; act of July 1, 1892 (27 Stat., 62); February 20, 1896 (29 Stat., 9); July 1, 1898 (30 Stat., 593), and proclamation April 10, 1900.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 8, 1872.

SIR: I have the honor to invite your attention to the necessity for the setting apart by Executive order of a tract of country hereinafter described, as a reservation for the following bands of Indians in Washington Territory, not parties to any treaty, viz:

The Methow Indians, numbering	316
The Okanagan Indians, numbering	340
The San Poel Indians, numbering	538
The Lake Indians, numbering	230
The Colville Indians, numbering	631
The Calispel Indians, numbering	420
The Spokane Indians, numbering	725
The Cœur d'Alène Indians, numbering	700
And scattering bands	300
Total	4,200

* * * Excluding that portion of the tract of country referred to found to be in the British possessions, the following are the natural boundaries of the proposed reservation, which I have the honor to recommend be set apart by the President for the Indians in question, and such others as the Department may see fit to settle thereon, viz: Commencing at a point on the Columbia where the Spokane River empties in the same; thence up the Columbia River to where it crosses the forty-ninth parallel north latitude; thence east with said forty-

ninth parallel to where the Pend d'Oreille or Clark River crosses the same; thence up the Pend d'Oreille or Clark River to where it crosses the western boundary of Idaho Territory, the one hundredth and seventeenth meridian west longitude; thence south along said one hundredth and seventeenth meridian, to where the Little Spokane River crosses the same; thence southwesterly, with said river, to its junction with the Big Spokane River; thence down the Big Spokane River to the place of beginning.

The papers hereinbefore referred to are respectfully submitted herewith.

Very respectfully, your obedient servant,

F. A. WALKER, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 9, 1872.

SIR: I have the honor to submit herewith a communication dated the 8th instant, from the Commissioner of Indian Affairs, and accompanying papers, representing the necessity for the setting apart, by Executive order, of a tract of country therein described for certain bands of Indians in Washington Territory not parties to any treaty.

The recommendation of the Commissioner in the premises is approved, and I respectfully request that the President direct that the tract of country designated upon the inclosed map be set apart for the Indians referred to, and such others as this Department may see fit to settle thereon.

I am, sir, very respectfully, your obedient servant,

B. R. COWEN, *Acting Secretary.*

To the PRESIDENT.

EXECUTIVE MANSION, *Washington, April 9, 1872.*

It is hereby ordered that the tract of country referred to in the within letter of the Acting Secretary of the Interior, and designated upon the accompanying map, be set apart for the bands of Indians in Washington Territory named in communication of the Commissioner of Indian Affairs dated the 8th instant, and for such other Indians as the Department of the Interior may see fit to locate thereon.

U. S. GRANT.

EXECUTIVE MANSION, *Washington, July 2, 1872.*

It is hereby ordered that the tract of country referred to in the within letter of the Commissioner of Indian Affairs as having been set apart for the Indians therein named by Executive order of April 9, 1872, be restored to the public domain, and that in lieu thereof the country bounded on the east and south by the Columbia River, on the west by the Okanagan River, and on the north by the British possessions, be, and the same is hereby, set apart as a reservation for said Indians, and for such other Indians as the Department of the Interior may see fit to locate thereon.

U. S. GRANT.

Hoh River Reserve.

[In Neah Bay Agency: area, 1 square mile.]

EXECUTIVE MANSION, *September 11, 1893.*

It is hereby ordered that the following-described lands situated and lying in the State of Washington, viz: Commencing at a point in the middle of the mouth of the Hoh River, Jefferson County, Washington, and running thence up said river in the middle of the channel thereof one mile; thence due south to the south bank of said river; thence due south from said south bank one mile; thence due west to the Pacific Ocean, and thence with the Pacific coast line to the place of beginning, be, and the same are hereby, withdrawn from sale and settlement and set apart as a reservation for the Hoh Indians not now residing upon any Indian reservation: *Provided, however*, That any tract or tracts, if any, the title to which has passed out of the United States, or to which valid legal rights have attached under existing laws of the United States providing for the disposition of the public domain, are hereby excepted and excluded from the reservation hereby created.

GROVER CLEVELAND.

Lummi Reserve.

[In Tulalip Agency; occupied by Dwamish, Etakmur, Lummi, Snohomish, Sukwamish, and Swiwamish; treaty of January 22, 1855.]

EXECUTIVE MANSION, *November 22, 1873.*

It is hereby ordered that the following tract of country in Washington Territory be withdrawn from sale and set apart for the use and occupation of the Dwamish and other allied tribes of Indians, viz: Commencing at the eastern mouth of Lummi River; thence up said river to the point where it is intersected by the line between sections 7 and 8 of township 38 north, range 2 east of the Willamette meridian; thence due north on said section line to the township line between townships 38 and 39; thence west along said township line to the low-water mark on the shore of the Gulf of Georgia; then southerly and easterly along the said shore, with the meanders thereof, across the western mouth of Lummi River, and around Point Francis; thence northeasterly to the place of beginning; so much thereof as lies south of the west fork of the Lummi River being a part of the island already set apart by the second article of the treaty with the Dwamish and other allied tribes of Indians, made and concluded January 22, 1857. (Stats. at Large, vol. 12, p. 928.)

U. S. GRANT.

Makah Reserve.

[In Neah Bay Agency; occupied by Makah and Quileute; area, 36 square miles; treaty January 31, 1855.]

EXECUTIVE MANSION, *October 26, 1872.*

In addition to the reservation provided for by the second article of the treaty concluded January 31, 1855, with the Makah Indians of Washington Territory, it is hereby ordered that there be withdrawn from sale and set apart for the use of the said Makah and other Indians a tract of country in the said Territory of Washington, described and bounded as follows, viz.: Commencing on the beach at the mouth of a small brook running into Neah Bay next to the site of the old Spanish fort; thence along the shore of said bay in a northeasterly direction to Baadah Point (being a point about 4 miles from the beginning); thence in a direct line south 6 miles; thence in a direct line west to the Pacific shore; thence northwardly along the shore of the Pacific to the mouth of a small stream running into the bay on the south side of Cape Flattery, a little above the Waatch Village; thence following said brook to its source; thence in a straight line to the place of beginning; the boundary line from the mouth of the brook last mentioned to the place of beginning being identical with the southeastern boundary of the reservation set apart for the Makah tribe of Indians by the treaty concluded with said Indians January 31, 1855, before referred to.

U. S. GRANT.

EXECUTIVE MANSION, *January 2, 1873.*

In lieu of the addition made by Executive order dated October 26, 1872, to the reservation provided for by the second article of the treaty concluded January 31, 1855, with the Makah Indians of Washington Territory, it is hereby ordered that there be withdrawn from sale and set apart as such addition, for the use of the said Makah and other Indians, the tract of country in said Territory of Washington bounded as follows, viz: Commencing on the beach at the mouth of a small brook running into Neah Bay next to the site of the old Spanish fort; thence along the shore of said bay in a northeasterly direction four miles; thence in a direct line south 6 miles; thence in a direct line west to the Pacific shore; thence northwardly along the shore of the Pacific to the mouth of a small stream running into the bay on the south side of Cape Flattery a little above the Waatch Village; thence following said brook to its source; thence in a straight line to the place of beginning; the boundary line from the mouth of the brook last mentioned to the place of beginning being identical with the southeastern boundary of the reservation set apart for the Makah and other Indians by the treaty above referred to.

U. S. GRANT.

EXECUTIVE MANSION, *October 21, 1873.*

In lieu of the addition made by Executive order dated October 26, 1872, and amended by Executive order of January 2, 1873, to the reservation provided for by the second article of the treaty concluded January 31, 1855, with the Makah tribe of Indians of Washington Territory (Statutes at Large, vol. 12, p. 939), which orders are hereby revoked, it is hereby ordered that there be withdrawn from sale and set apart as such addition for the use of said Makah and other tribes of Indians the tract of country in said Territory bounded as follows, viz: Commencing on the beach at the mouth of a small brook running into Neah Bay next to the site of the old Spanish fort; thence along the shore of said bay in a northeasterly direction 4 miles; thence in a direct line south 6 miles; thence in a direct line west to the Pacific shore; thence northwardly along the shore of the Pacific to the mouth of another small stream running into the bay on the south side of Cape Flattery, a little above the Waatch Village; thence following said brook to its source; thence in a straight line to the source of the first-mentioned brook, and thence following the same down to the place of beginning.

U. S. GRANT.

Muckleshoot Reserve.

[In Tulalip Agency; area, 5 square miles.]

(For Executive orders of January 19 and 20, 1857, relative to Muckleshoot Reserve, see "Nisqually Reserve," below.)

EXECUTIVE MANSION, *April 9, 1874.*

It is hereby ordered that the following tracts of land in Washington Territory, viz: Sections 2 and 12 of township 20 north, range 5 east, and sections 20, 28, and 34, of township 21 north, range 5 east, Willamette meridian, be withdrawn from sale or other disposition, and set apart as the Muckleshoot Indian Reservation, for the exclusive use of the Indians in that locality, the same being supplemental to the action of the Department approved by the President January 20, 1857.

U. S. GRANT.

Nisqually Reserve.

[In Puyallup Agency; occupied by Muckleshoot, Nisqualli, Puyallup, Skwawksnomish, Stailakoom, and five other tribes; treaty of December 26, 1854.]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, January 19, 1857.

SIR: The treaty negotiated on the 29th of December, 1854, with certain bands of Nisqually, Puyallup, and other Indians of Puget's Sound, Washington Territory (article 2), provided for the establishment of reservations for the colonization of Indians, as follows: (1) The small island called Klah-chemin. (2) A square tract containing two sections near the mouth of the She-nah-nam Creek. (3) Two sections on the south side of Commencement Bay.

The sixth article of the treaty gives the President authority to remove the Indians from those locations to other suitable places within Washington Territory, or to consolidate them with friendly bands.

So far as this office is advised a permanent settlement of the Indians has not yet been effected under the treaty. Governor Stevens has formed the opinion that the locations named in the first article of the treaty were not altogether suitable for the purpose of establishing Indian colonies. One objection was that they are not sufficiently extensive. He reported that 750 Indians had been collected from the various bands for settlement.

I have the honor now to submit for your consideration and action of the President, should you deem it necessary and proper, a report recently received from Governor Stevens, dated December 5, 1856, with the reports and maps therewith, and as therein stated, from which it will be observed that he has arranged a plan of colonization which involves the assignment of a much greater quantity of land to the Indians, under the sixth article of the treaty, than was named in the first article. He proposes the enlargement of the Puyallup Reserve at the south end of Commencement Bay to accommodate 500 Indians; the change in the location, and the enlargement of the Nisqually Reserve, and the establishment of a new location, Muckleshoot Prairie, where there is a military station that is about to be abandoned.

The quantity of land he proposes to assign is not, in my opinion, too great for the settlement of the number of Indians he reports for colonization; and as the governor recommends the approval of these locations and reports that the Indians assent thereto, I would respectfully suggest that they be approved by the President, my opinion being that, should it be found practicable hereafter to consolidate the bands for whom these reserves are intended or to unite other bands of Indians on the same reserves, the authority to effect such objects will still remain with the President under the sixth article of the treaty.

Within the Puyallup Reserve there have been private locations, and the value of the claims and improvements has been appraised by a board appointed for that purpose at an aggregate of $4,917.

In the same connection I submit the governor's report of August 28, 1856, which he refers to, promising that the proceedings of his conference with the Indians therein mentioned were not received here with the report.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Commissioner.*

HON. R. MCCLELLAND,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1857.

SIR: I have the honor to transmit a communication of the 19th instant, from the Commissioner of Indian Affairs to this Department, indicating the reservations selected for the Nisqually, Puyallup, and other bands of Indians in Washington Territory, and to request your approval of the same.

With great respect, your obedient servant,

R. MCCLELLAND, *Secretary.*

The PRESIDENT.

Approved.

FRANKLIN PIERCE.

JANUARY 20, 1857.

Osette Reserve.

[Area, 1 square mile.]

EXECUTIVE MANSION, *April 12, 1893.*

It is hereby ordered that the following described lands, situated and lying in the State of Washington, viz: Commencing at Point Apot-Sloes (Indian name), on the ocean beach about one-half a mile north of the Indian village Osette in Clallam County, said State; thence due east one mile; thence due south to the point of intersection with the southern boundary line of the said Indian village extended eastward, and the northern boundary line of Charley Weberhard's claim; thence due west to the Pacific Ocean; thence with the Pacific Ocean to the point of beginning, be, and the same are hereby, withdrawn from sale and settlement and set apart as a reservation for the Osette Indians not now residing upon any Indian reservation: *Provided, however,* That any tract or tracts, if any, the title to which has passed out of the United States, or to which valid legal rights have attached under existing laws of the United States providing for the disposition of the public domain, are hereby excepted and excluded from the reservation hereby created.

GROVER CLEVELAND.

Port Madison Reserve.

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
Olympia, Wash., July 13, 1864.

SIR: In the absence of the superintendent of Indian affairs, who is now at Fort Colville or in that neighborhood in the discharge of his official duties, at the request of Hon. A. A. Denny, register of the land office in this place, I would respectfully call your attention to the condition of the Indian reservation near Port Madison, concerning the enlargement of which the superintendent addressed you about a year ago, forwarding at the same time a plat of the proposed reserve.

By reference to the treaty of Point Elliott, made with the Dwamish and other allied tribes of Indians, January 22, 1855, it will be seen that article 2 provides for them a reservation at this point. This was soon found to be too limited, and whilst Governor Stevens was yet superintendent of Indian affairs the Indians were promised an enlargement. That promise seems to have been renewed subsequently, but nothing definite agreed upon.

Last July Seattle, the principal chief of the Seattle band, with a number of subchiefs and others directly interested, visited the superintendency upon this subject. At their request a thorough examination was had, the result of which was in favor of submitting their request to you, and recommending that it be granted. By reference to report of Agent Howe, which accompanies the last annual report of the superintendent for the year ending June 30, 1863, it will be seen that he is well satisfied of the absolute necessity of its enlargement.

The accompanying plat shows what is proposed to be reserved, which is satisfactory to the Indians. As there were no instructions from the Commissioner of the General Land Office, these lands could not be reserved, but were necessarily offered for sale. There being no bidders the lands are still vacant.

Immediately after the public sale the superintendent gave notice of the intention of the Department to retain these lands for the Indian reservation, and the public have so far acquiesced as not to disturb these proposed boundaries. Still, as the lands were offered at public sale under the proclamation of the President, they are now, agreeably to law, subject to private entry. Should, therefore, application be made to the register for the entry of any of these lands, he would, as matters now stand, be powerless to prevent it.

The register has just addressed the Commissioner of the General Land Office on this subject. Hence the reason of my addressing you without awaiting the return of the superintendent, who may be absent for a month, and respectfully asking that such steps may at once be taken as to prevent any lands within the proposed boundaries being sold by the register until he be further advised.

Very respectfully, your obedient servant,

GEO. F. WHITWORTH, *Chief Clerk.*

Hon. WILLIAM P. DOLE,
Commissioner of Indian Affairs, Washington.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, September 12, 1864.

SIR: I have the honor to inclose herewith for your consideration a letter from C. H. Hale, late superintendent of Indian affairs for Washington Territory, by his clerk, calling attention to the necessity for immediate action in order to secure certain lands to the Indians therein mentioned, near Port Madison, for an enlargement of their reservation.

It appears from the report of Agent Howe, made to this office last year, that the proposed enlargement of the reservation is deemed to be advisable, and I have to request that you will direct that the tracts of land described in the plat inclosed in the letter of Mr. Whitworth may be reserved from sale, so that they may be set apart for the Indians for whom they are intended.

Very respectfully, your obedient servant,

W. P. DOLE, *Commissioner.*

Hon. W. T. OTTO,
Acting Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 21, 1864.

SIR: I transmit herewith a letter of the Commissioner of Indian Affairs, of the 12th ultimo, covering a communication from the chief clerk of the office of superintendent of Indian affairs for Washington Territory, respecting the enlargement of the Port Madison Indian Reservation.

Concurring with the Commissioner in his recommendation that the reserve be increased for the benefit of the Indians referred to in the papers inclosed, you are requested to have reserved from sale the tracts of land indicated upon the plat herein inclosed.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

JAMES M. EDMUNDS, Esq.,
Commissioner General Land Office.

Puyallup Reserve.

[Area, 1 square mile; occupied by Muckleshoot, Nisqualli, Puyallup, Skwawksnamish, Stailakoom, and five other tribes; treaty December 26, 1854.]

(For Executive order of January 20, 1857, see "Nisqually Reserve.")

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, August 26, 1873.

SIR: By the second article of the treaty concluded with the Nisqually and other Indians December 26, 1854 (Stat. at Large, vol. 10, p. 1132), "a square tract containing two sections, or 1,280 acres, lying on the south side of Commencement Bay," was set apart as a reservation for said Indians, and is known as the Puyallup Reserve.

It appears from the records of this office that Governor Stevens, finding the Indians dissatisfied with the size and location of the reserve, as indicated by said treaty, agreed, at a conference held with them August, 1856, to a readjustment of said reservation, the exterior boundaries of which were surveyed and established by his order. This was done prior to the extension of the lines of the public surveys over the surrounding and adjacent lands. A map of the survey was transmitted by Governor Stevens to this office, under date of December 5, 1856, giving a description of the courses and distances of said exterior boundaries of the reserve, as taken from the field-notes of the survey on file in the office of superintendent Indian affairs, Washington Territory

This reservation, as readjusted and indicated on said map, was set apart for these Indians by Executive order dated January 20, 1857. It was intended to have this reservation bounded on its western side by the waters of Commencement Bay, from the southeasterly extremity of said bay, around northwardly to the northwest corner of the reservation on the southerly shore of Admiralty Inlet. The survey was thought to be made so as to give to the Indians this frontage upon the bay, with free access to the waters thereof. More recent surveys, however, develop the fact that there is land along this shore, and outside the reservation, arising from an error of the surveyor in leaving the line of low-water mark, along the shore of said bay, and running a direct line to the place of beginning.

In a report dated March 20 last, Superintendent Milroy calls attention to this inadvertence; and for the adjustment of the western boundary of said reservation, so that it may conform to the intentions of those agreeing to the same, as well as for the comfort and wants of the Indians, he recommends the following change, viz: Instead of the direct line to the place of beginning, to follow the shore line, at low-water mark, to the place of beginning.

Inasmuch as the lands proposed to be covered by this change are in part already covered by the grant to the Northern Pacific Railroad Company and by donation claims, I would respectfully recommend that the President be requested to make an order setting apart for the use of these Indians an addition to said Puyallup Reservation, as follows, viz: All that portion of section 34, township 21 north, range 3 east, in Washington Territory, not already included within the limits of the reservation. This would give them a mile of water frontage directly north of Puyallup River, and free access to the waters of Commencement Bay at that point.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 28, 1873.

SIR: I have the honor to transmit herewith a copy of a communication addressed to this Department on the 26th instant, by the Acting Commissioner of Indian Affairs, relative to the extension by Executive order of the reservation in Washington Territory known as the Puyallup Reservation, described as follows, to wit: All that portion of section 34, township 21 north, range 3 east, in Washington Territory, not already included within the limits of the reservation.

I agree with the Acting Commissioner in his views, and respectfully request that in accordance with his recommendation an Executive order be issued setting apart the tract of land described for the purpose indicated.

I have the honor to be, etc.,

W. H. SMITH, *Acting Secretary.*

The PRESIDENT.

EXECUTIVE MANSION, *September 6, 1873.*

Agreeable to the recommendation of the Acting Secretary of the Interior, it is hereby ordered that the Puyallup Reservation in Washington Territory be so extended as to include within its limits all that portion of section 34, township 21 north, range 3 east, not already included within the reservation.

U. S. GRANT.

Quileute Reserve.

[In Neah Bay Agency; area, 1¼ square miles; occupied by Quileute tribe.]

EXECUTIVE MANSION, *February 19, 1889.*

It is hereby ordered that the following-described tracts of land situate in Washington Territory, viz: Lots 3, 4, 5, and 6, section 21; lots 10, 11, and 12, and the southwest quarter of the southwest quarter, section 22; fractional section 27, and lots 1, 2, and 3, section 28; all in township 28 north, of range 15 west, be, and the same are hereby, withdrawn from sale and settlement and set apart for the permanent use and occupation of the Quillehute Indians: *Provided*, That this withdrawal shall not affect any existing valid rights of any party.

GROVER CLEVELAND.

Quinaielt Reserve.

[In Puyallup Agency; occupied by Hoh, Quaitso, and Quinaielt tribes; area, 350 square miles; treaties July 1, 1855, and January 25, 1856.]

EXECUTIVE MANSION, *November 4, 1873.*

In accordance with the provisions of the treaty with the Quinaielt and Quillehute Indians, concluded July 1, 1855, and January 25, 1856 (Stats. at Large, vol. 12, p. 971), and to provide for other Indians in that locality, it is hereby ordered that the following tract of country in Washington Territory (which tract includes the reserve selected by W. W. Miller, superintendent of Indian affairs for Washington Territory, and surveyed by A. C. Smith, under contract of September 16, 1861) be withdrawn from sale and set apart for the use of the Quinaielt, Quillehute, Hoh, Quit, and other tribes of fish-eating Indians on the Pacific coast, viz: Commencing on the Pacific coast at the southwest corner of the present reservation, as established by Mr. Smith in his survey under contract with Superintendent Miller, dated September 16, 1861; thence due east, and with the line of said survey, 5 miles to the southeast corner of said reserve thus established; thence in a direct line to the most southerly end of Quinaielt Lake; thence northerly around the east shore of said lake to the northwest point thereof; thence in a direct line to a point a half mile north of the Queetshee River and 3 miles above its mouth; thence with the course of said river to a point on the Pacific coast, at low-water mark, a half mile above the mouth of said river; thence southerly, at low-water mark, along the Pacific to the place of beginning.

U. S. GRANT.

Shoalwater Reserve.

[In Puyallup Agency; area, one-half square mile; occupied by Shoalwater and Chehalis.]

EXECUTIVE MANSION, *September 22, 1866.*

Let the tract of land as indicated on the within diagram be reserved from sale and set apart for Indian purposes, as recommended by the Secretary of the Interior in his letter of the 18th instant, said tract embracing portions of sections 2 and 3 in township 14 north, range 11 west, Washington Territory.

ANDREW JOHNSON.

Skokomish Reserve.

[In Puyallup Agency; area, one-half square mile; occupied by Clallam, Twana, and Skokomish; treaty January 26, 1855.]

EXECUTIVE MANSION, *February 25, 1874.*

It is hereby ordered that there be withdrawn from sale or other disposition and set apart for the use of the S'Klallam Indians the following tract of country on Hood's Canal in Washington Territory, inclusive of the six sections situated at the head of Hood's Canal, reserved by treaty with said Indians January 26, 1855 (Stats. at Large, vol. 12, p. 934), described and bounded as follows: Beginning at the mouth of the Skokomish River; thence up said river to a point intersected by the section line between sections 15 and 16 of township 21 north, in range 4 west; thence north on said line to a corner common to sections 27, 28, 33, and 34 of township 22 north, range 4 west; thence due east to the southwest corner of the southeast quarter of the southeast quarter of section 27, the same being the southwest corner of A. D. Fisher's claim; thence with said claim north to the northwest corner of the northeast quarter of the southeast quarter of said section 27; thence east to the section line between sections 26 and 27; thence north on said line to corner common to sections 22, 23, 26, and 27; thence east to Hood's Canal; thence southerly and easterly along said Hood's Canal to the place of beginning.

U. S. GRANT.

Spokane Reserve.

[Colville Agency; area, 240 square miles.]

[Special Field Orders No. 2.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA
In the Field, Spokane Falls, Wash., September 3, 1880.

Whereas in consequence of a promise made in August, 1877, by E. C. Watkins, inspector of the Interior Department, to set apart, or have set apart, for the use of the Spokane Indians the following-described territory, to wit: Commencing at the mouth of Cham-a-kane Creek, thence north 8 miles in direction of said creek, thence due west to the Columbia River, thence along the Columbia and Spokane Rivers to the point of beginning—the Indians are still expecting the Executive order in their case, and are much disturbed by the attempts of squatters to locate land within said limits: It is hereby directed that the above-described territory, being still unsurveyed, be protected against settlement by other than said Indians until the survey shall be made, or until further instructions. This order is based upon plain necessity to preserve the peace until the pledge of the Government shall be fulfilled, or other arrangements accomplished.

The commanding officers of Forts Cœur d'Alène and Colville and Camp Chelan are charged with the proper execution of this order.

By command of Brigadier-General Howard.

H. H. PIERCE,
First Lieutenant, Twenty-first Infantry, Acting Aid-de-Camp.

EXECUTIVE MANSION, *January 18, 1881.*

It is hereby ordered that the following tract of land, situated in Washington Territory, be, and the same is hereby, set aside and reserved for the use and occupancy of the Spokane Indians, namely: Commencing at a point where Chemakane Creek crosses the forty-eighth parallel of latitude; thence down the east bank of said creek to where it enters the Spokane River; thence across said Spokane River westwardly along the southern bank thereof to a point where it enters the Columbia River; thence across the Columbia River, northwardly along its western bank to a point where said river crosses the said forty-eighth parallel of latitude; thence east along said parallel to the place of beginning.

R. B. HAYES.

Swinomish Reserve. (Perry's Island.)

[In Tulalip Agency; occupied by Dwamish, Etakmur, Lummi, Snohomish, Sukwamish, and Swinomish; area, 2¾ square miles; treaty January 22, 1855.]

EXECUTIVE MANSION, *September 9, 1873.*

Agreeably to the within request of the Acting Secretary of the Interior, it is hereby ordered that the northern boundary of the Swinomish Reservation, in the Territory of Washington, shall be as follows, to wit: Beginning at low-water mark on the shore of Sim-ilk Bay at a point where the same is intersected by the north and south line bounding the east side of the surveyed fraction of 9.30 acres, or lot No. 1, in the northwest corner of section 10 in township 34 north, range 2 east; thence north on said line to a point where the same intersects the section line between sections 3 and 10 in said township and range; thence east on said section line to the southeast corner of said section 3; thence north on east line of said section 3 to a point where the same intersects low-water mark on the western shore of Padilla Bay.

U. S. GRANT.

Tulalip or Snohomish Reserve.

[Area, 14 square miles; occupied by Dwamish, Etakmur, Lummi, Snohomish, Sukwamish, and Swinomish; treaty January 22, 1855.]

EXECUTIVE MANSION, *December 23, 1873.*

It is hereby ordered that the boundaries of the Snohomish or Tulalip Indian Reservation, in the Territory of Washington, provided for in the third article of the treaty with the Dwamish and other allied tribes of

Indians, concluded at Point Elliott, January 22, 1855 (Stats. at Large, vol. 12, p. 928), shall be as follows, to wit: Beginning at low-water mark on the north shore of Steam-boat Slough at a point where the section line between sections 32 and 33 of township 30 north, range 5 east, intersects the same; thence north on the line between sections 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, and 4 and 5, to the township line between townships 30 and 31; thence west on said township line to low-water mark on the shore of Port Susan; thence southeasterly with the line of low-water mark along said shore and the shores of Tulalip Bay and Port Gardner, with all the meanders thereof, and across the mouth of Ebey's Slough to the place of beginning.

U. S. GRANT.

Yakima Reserve.

[Area, 917 square miles; occupied by Klikitat, Paloos, Topnish, Wasco, and Yakima; treaty June 9, 1855, act August 15, 1894 (28 Stat., 320).]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 21, 1892.

SIR: On the 19th of July last, Jay Lynch, agent for the Yakama Indians, called attention to the tenth article of the treaty of June 9, 1855 (12 Stats., p. 954), which provides—

> That there is also reserved and set apart from the lands ceded by this treaty for the use and benefit of the aforesaid confederated tribes and bands, a tract of land not exceeding in quantity one township of 6 miles square, situated at the forks of the Pisquouse, or Wenatshapam River, and known as the "Wenatshapam fishery," which said reservation shall be surveyed and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian reservations—

and asked whether or not said tract of land had ever been surveyed and definitely located and marked out as therein provided.

The records of this office failed to disclose any information of such a survey or even the location of said tract, and from inquiry made of the Yakama Indians through Agent Lynch, respecting its status, it was evident that they had no knowledge of any action ever having been taken to definitely locate the said tract. Report was therefore made to the Department on the 27th of August last of the facts herein stated, and a request was made that authority be given Agent Lynch to visit the locality of said "fishery," supposed to be some 75 to 100 miles distant from the agency, and to locate said tract of land by metes and bounds or by natural objects, taking care not to interfere with the vested rights of any settlers or other parties that might be located thereon.

This authority and request being granted on the 29th of August, Agent Lynch was instructed on the 8th of September to visit said fishery, reserved and set apart by said treaty for the use of said Indians, and to fix and determine, as best he could, the boundaries of said tract of land by metes and bounds or by natural objects, that it might be surveyed and marked out, under directions of the President, as the treaty stipulated, and to submit an estimate of the probable cost to have such tract of land as he might designate properly marked out and surveyed. Agent Lynch was furnished the latest edition of the map of Washington issued by the General Land Office for his guidance in determining the location.

On the 24th of October last he submitted his report under said instructions, giving a description of the tract and of its proposed boundaries, with a plat thereof, and a letter from the surveyor-general of Washington, who stated the rates of survey in that State, which are herewith submitted.

In this report he estimated the distance from the agency to the fishery to be 150 miles by the nearest route, and that Lake Wenatchee, as now called, was 50 miles from the mouth of the Wenatchee River, and that the lake was really only "a widening out" of the river for the space of two or three miles in the valley, which was surrounded by mountains. He reported that there are two large creeks flowing into the river just below the lake, which he was of the opinion were forks of the river referred to in the treaty and known as the "fishery," although the map sent represented the "forks of the river" as *above* the lake, which he states is incorrect.

The tract recommended by the agent as the land to be set apart, is, I think, substantially the reservation provided for in the treaty, and is heavily timbered and in a mountain district and not agricultural in any sense of the word. This tract is only valuable, he states, for its timber and fishery privileges, and includes the lower end of the lake and both sides of the river for a distance of 10 miles below the lake, with the river as near the center thereof as practicable to make it so, and is described (the description given by the agent being somewhat different) as follows:

> Commencing at a point on the right bank or west shore of Lake Wenatchee, 1½ miles by the shore lines from the right bank of the river Wenatchee, where it leaves (not enters) the lake, thence in a southwesterly direction to a point 1½ miles due southwest from the mouth of the river, thence southeastwardly, parallel to the general course of the river, 10 miles, thence in a northeasterly direction, and across said river 3 miles, thence in a northwesterly direction, parallel to the general course of the river to the lake, thence in a direct line across the lake to the place of beginning, provided the area does not exceed the quantity of 6 miles square, limited by the treaty.

Inasmuch as this provision of the treaty has remained unfulfilled over thirty-three years since the proclamation of the treaty, April 18, 1859, and the country is being rapidly settled and the Great Northern Railroad is extending its system in that direction, I have the honor to recommend that the matter be laid before the President for direction to have the survey of the tract of land reserved and set apart by the tenth article of the Yakima treaty of June 9, 1855, made and marked out at the earliest practicable period, and that the Commissioner of the General Land Office be directed to instruct the surveyor-general of Washington to make said survey under the supervision of the Indian agent in accordance with the suggestions herein contained, and the expenses thereof be paid out of the appropriation for "survey of Indian reservations for 1893."

The surveyor-general, in his letter to Agent Lynch, gives the rate for standard and meander lines not exceeding $9 per mile; but for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth there may be allowed, with the approval of the Secretary of the Interior, a rate not exceeding $25 per linear mile. The agent in submitting his estimate fixes the rate at $18 and the distance 30 miles, making the estimate of the cost in the aggregate $540. I therefore recommend that in directing the surveyor-general to make the survey that the expense be limited to the sum of $540, or so much thereof as may be necessary.

It is not intended that the description herein given shall be followed strictly in making the survey, but that it should be considered in connection with the language of the treaty. The surveyor-general should be allowed, if necessary, to make such divergence from the outboundaries herein described as, in his judgment, the topography of the land may demand, provided that the lines surveyed and marked out when completed should embrace the whole of the land contemplated to be set apart by the treaty, and approximately near the area named therein.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, November 26, 1892.

The PRESIDENT:

The treaty of June 9, 1855 (12 Stats., 954), provides for a reservation of a tract of land not exceeding in quantity one township of 6 miles square for the Yakima Indians in the then Territory of Washington, to be known as the "Wenatshapam fishery," which "said reservation shall be surveyed and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian reservations."

The attention of the Indian Office was called to this provision in July last by the Yakima agent, and he was directed by the Commissioner to visit the locality of the said "fishery," and to locate said tract by metes and bounds, taking care not to interfere with the vested rights of any settlers or other parties that might be located thereon.

On October 24 he submitted his report herewith, in which he gives a description of the lands to be surveyed and marked, and states that said lands are heavily timbered and in a mountain district, and only valuable for the timber and fishery privileges.

The Commissioner of Indian Affairs states that this country is being rapidly settled, and the Great Northern Railroad is extending its system in that direction, and recommends said lands be surveyed for the purpose named in said treaty.

Concurring in the recommendation of the Commissioner, I have the honor to request that the Commissioner of the General Land Office be authorized to instruct the surveyor-general of Washington to make said survey under the supervision of the Yakima agent, and in accordance with his suggestions, allowing him, however, to make such divergence from the outboundaries described in the Commissioner's letter as in his judgment the topography of the land may demand, provided that the lines surveyed and marked out, when completed, shall embrace the whole of the land contemplated to be set apart by the treaty and approximately near the area named therein, and that your authority be indorsed hereon.

I have the honor to be, very respectfully, your obedient servant,

JOHN W. NOBLE,
Secretary.

EXECUTIVE MANSION,
November 28, 1892.

Approved:

BENJ. HARRISON.

WISCONSIN.

Bad River Reserve (Fishery).

[Yakima Agency; area, 131 square miles; treaty September 30, 1854.]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, October 26, 1857.

SIR: I inclose herewith a diagram of Madeline Island, as the same is laid down in plats of townships 50 and 51 north, of range 2 west, fourth principal meridian, lately received at the General Land Office from the surveyor-general, in order that you may indicate thereon by legal subdivision the 200 acres of land reserved for the La Point band and other Indians on the northern extremity of Madeline Island for a fishing-ground, under the second clause of the treaty (second article) of September 30, 1854.

You will be particular to specify the quantity embraced in each legal subdivision selected, whether by lots or otherwise, to make up this quantity; and also to transmit a description of each tract to accompany the diagram. When so marked, you are requested to return the diagram and the required description to this office at as early a day as possible.

Very respectfully, your obedient servant,

J. W. DENVER, *Commissioner.*

A. M. FITCH, Esq.,
Indian Agent, Detroit, Mich.

In respect to the above, I have the honor to report that I have visited Madeline Island and there held a council with the head chief of the La Point bands of Indians, Chay-che-que-oh (Little Buffalo), who, in concert with others of his band, have selected the following-described land, to be used by them as a fishing-ground under the second clause of the second article of the treaty of the 30th September, 1854, reference being had to the diagrams accompanying the report and to the minutes of the proceedings in council as certified by me.

Description of lots selected by the La Point Indians on the northern extremity of Madeline Island for a fishing-ground under the second clause of the treaty (second article) of 30th September, 1854.

Lot No. 1, section 36, containing	1.28
Lot No. 1, section 35, containing	35.15
Lot No. 2, section 35, containing	42.48
Lot No. 3, section 35, containing	57.10
Lot No. 5, section 35, containing	52.68
Lot No. 1, section 26, containing	7.02
Total	195.71

The diagram referred to in the letter of instructions I return herewith, and also one that I had made when the lots were selected.

I am, very respectfully, your obedient servant,

C. K. DREW,
United States Indian Agent.

Hon. W. J. CULLEN,
Superintendent Indian Affairs, St. Paul, Minn.

OFFICE OF THE NORTHERN SUPERINTENDENCY,
St. Paul, August 16, 1859.

SIR: I herewith inclose the accompanying report of Agent Drew, upon the instructions of J. W. Denver, commissioner of Indian affairs, to Agent Fitch, dated October 26, 1857, in regard to the selection of the 200 acres reserved for the La Point bands for a fishing-ground on Madeline Island, together with a diagram and a schedule, signed by the chiefs and headmen, of the lots selected by them.

Respectfully, your obedient servant,

W. J. CULLEN,
Superintendent of Indian Affairs.

Hon. A. B. GREENWOOD,
Commissioner of Indian Affairs, Washington, D. C.

(Selections reported to General Land Office September 17, 1859.)

Lac Court Oreilles Reserve.

WASHINGTON, D. C., *February 17, 1873.*

SIR: I have the honor to inclose herewith, in accordance with your instructions dated December 18, 1872, a list of the lands selected as a permanent reservation for the Lac Court Oreille bands, Chippewas of Lake Superior, after consultation with the chiefs and headmen.

It is believed that the above-mentioned selection, while satisfactory to the Indians and fulfilling the spirit of the treaty under which it is made, fully secures the interests of the General Government, as well as those of the State of Wisconsin.

It is of the greatest importance that a survey of the exterior boundaries of the reservation be made at the earliest practicable period. The boundary marks of the first survey are generally indistinct, and, besides, do not conform to the boundaries as now proposed.

Persons may trespass with little danger of discovery or hindrance now, but would be prevented if the boundaries of the reservation were distinctly defined and marked so that the Indians themselves could understand them.

Very respectfully, your obedient servant,

S. N. Clark,
United States Indian Agent.

Hon. H. R. Clum,
Acting Commissioner of Indian Affairs, Washington, D. C.

Department of the Interior,
Office of Indian Affairs, February 24, 1873.

Sir: I have the honor to submit herewith the following selections of land for a permanent reservation for the Lac Court Oreilles bands of Chippewas, of Lake Superior, as recommended in a report to this office from Agent S. N. Clark, under date of the 17th instant, pursuant to instructions of December 18, 1872, amounting in the aggregate to 69,136.41 acres, viz:

Description.	Section.	Township.	Range.	Area.
				Acres.
SE. ¼ and NE. ¼	8	40	6	266.97
E. ½ of SE. ¼	8	40	6	80.00
NW. ¼ of SW. ¼, S. ½ of NE. ¼ and S. ½ of NW. ¼	9	40	6	200.00
NW. ¼ of NE. ¼ and NW. ¼	10	40	6	200.00
E. ½ of NE. ¼, E. ½ of SE. ¼ and SE. ¼ of SW. ¼ or lot 1	17	40	6	198.26
SE. ¼	18	40	6	160.00
NE. ¼	19	40	6	160.90
All	20	40	6	575.68
NW. ¼ of NW. ¼	21	40	6	40.00
Lot No. 1	27	40	6	82.36
Lots 2 and 3	28	40	6	96.40
SW. ¼ of SE. ¼ (lot 5) and SW. ¼ (lots 1, 6, and 7)	28	40	6	165.24
All	29	40	6	460.77
S. ½	30	40	6	266.24
All	31	40	6	488.08
NW. ¼ (lots 1, 2, and 3) and N. ½ of NE. ¼	32	40	6	198.96
All	33	40	6	562.08
All	34	40	6	364.21
SW. ¼ of SW. ¼ (lots 1 and 2)	35	40	6	38.07
Total in township				4,725.21
S. ½ (lots 1, 2, 3, 4, and 5)	26	40	7	200.35
SE. ¼ (lots 1 and 2)	27	40	7	131.60
E. ½	34	40	7	284.50
All	35	40	7	457.86
Part of SE. ¼ (lots 2 and 3) and SE. ¼ of SW. ¼ (lot 4)	36	40	7	119.75
Total in township				1,194.17
All	1	40	8	422.98
All	2	40	8	490.63
All	3	40	8	584.70
All	4	40	8	587.80
All	5	40	8	582.00
All	6	40	8	456.62
All	7	40	8	554.77
All	8	40	8	603.06
All	9	40	8	640.00
All	10	40	8	640.00
All	11	40	8	640.00
All	12	40	8	640.00
All	13	40	8	640.00
All	14	40	8	640.00
All	15	40	8	640.00
All	17	40	8	445.38
All	18	40	8	186.88
All	19	40	8	1.70
All	20	40	8	165.06
All	21	40	8	606.25
All	22	40	8	606.30
All	23	40	8	604.00
S. ½, NW. ¼, S. ½ of NE. ¼ and NW. ¼ of NE. ¼	24	40	8	600.00
All	25	40	8	639.98
All	26	40	8	640.00
All	27	40	8	636.10
All	28	40	8	442.55
All	29	40	8	507.18
All	30	40	8	482.78
All	31	40	8	380.00
All	32	40	8	132.64
All	33	40	8	557.56
All	34	40	8	640.00
All	35	40	8	640.00
All	36	40	8	320.96
Total in township				18,007.12
All	1	39	7	600.05
All	2	39	7	641.73
N. ½ of NE. ¼, S. ½ of SE. ¼ and NE. ¼ of SE. ¼	3	39	7	228.46
All	4	39	7	601.67
All	5	39	7	602.38

Description.	Section.	Township.	Range.	Area.
				Acres.
E. ½, E. ½ of SW. ¼ and NW. ¼ (lots 2 and 3).	6	39	7	470.95
All	7	39	7	612.04
W. ½, lots 1, 2, 3, and SW. ¼ of SE. ¼	8	39	7	504.63
NE. ¼ of NE. ¼, lots 1, 2, 3, 4, 5, and 6, and SE. ¼ of SE. ¼	9	39	7	315.62
S. ½, NE. ¼, S. ½ of NW. ¼ and NE. ¼ of NW. ¼	10	39	7	600.00
All	11	39	7	640.00
All	12	39	7	640.00
All	13	39	7	640.00
All	14	39	7	640.00
All	15	39	7	640.00
W. ½, SE. ¼, W. ½ NE. ¼ and SE. ¼ of NE. ¼	17	39	7	560.00
All	18	39	7	609.76
All	19	39	7	611.76
All	20	39	7	640.00
All	21	39	7	640.00
All	28	39	7	640.00
All	29	39	7	640.00
N. ½, NE. ¼ of SW. ¼, N. ½ of SE. ¼ and SE. ¼ of SE. ¼	30	39	7	467.46
E. ½, SW. ¼, W. ½ of NW. ¼ and SE. ¼ of NW. ¼	31	39	7	[illegible]
All	32	39	7	640.00
All	33	39	7	640.00
Total in township				15,143.36
All	1	39	8	573.77
All	2	39	8	625.56
All	3	39	8	618.90
All	4	39	8	617.86
All	5	39	8	401.87
All	6	39	8	118.87
All	7	39	8	594.75
All	8	39	8	520.10
All	9	39	8	640.00
All	10	39	8	640.00
All	11	39	8	640.00
All	12	39	8	640.00
All	13	39	8	640.00
All	14	39	8	640.00
All	15	39	8	640.00
All	17	39	8	640.00
NW. ¼, N. ½ of SW. ¼, N. ½ of SE. ¼ and SE. ¼ of SE. ¼	18	39	8	332.22
S. ½, NE. ¼, SE. ¼ of NW. ¼ and W. ½ of NW. ¼	19	39	8	592.28
All	20	39	8	640.00
All	21	39	8	640.00
All	22	39	8	640.00
All	23	39	8	618.20
All	24	39	8	563.15
All	25	39	8	640.00
All	26	39	8	598.20
All	27	39	8	509.59
All	28	39	8	640.00
All	29	39	8	640.00
All	30	39	8	637.86
S. ½, NW. ¼, S. ½ of NE. ¼, NW. ¼ of NE. ¼	31	39	8	505.88
All	32	39	8	640.00
All	33	39	8	640.00
All	34	39	8	640.00
All	35	39	8	636.00
All	36	39	8	640.00
Total in township				20,604.60
All	4	38	8	738.92
All	5	38	8	761.30
All	6	38	8	780.49
All	7	38	8	688.50
All	8	38	8	640.00
S. ½, NE. ¼, E. ½ of NW. ¼ and SW. ¼ of NW. ¼	9	38	8	600.00
All	17	38	8	640.00
All	18	38	8	[illegible]
Total in township				5,422.09
All	1	38	9	791.26
All	12	38	9	640.00
All	13	38	9	640.00
Total in township				2,071.26
Lot 2	1	39	9	48.60
All	24	39	9	640.00
All	25	39	9	640.00
All	36	39	9	640.00
Total in township				1,968.60
SUMMARY.				
Withdrawn Nov. 22, 1859		40	6	4,725.21
Do		40	7	1,194.17
Do		40	8	18,007.12
Do		39	7	15,143.36
Do		39	8	20,604.60
Do		38	8	5,422.09
Withdrawn April 4, 1865		38	9	2,071.26
Do		39	9	1,968.60
Aggregate withdrawn				69,186.41

I now respectfully recommend that the remainder of lands withdrawn from market by orders from the General Land Office of November 22, 1859, and April 4, 1865, from which to select a permanent reservation for said Indians, be restored to market.

Very respectfully, your obedient servant,

H. R. CLUM, *Acting Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, *March 1, 1873.*

SIR: I transmit herewith copy of a letter from the Acting Commissioner of Indian Affairs, dated the 24th ultimo, submitting selections of land for a permanent reservation for the Lac Court Oreilles bands of Chippewa Indians of Lake Superior, amounting in the aggregate to 69,186.41 acres.

The recommendation of the Acting Commissioner that the remainder of lands withdrawn from market by orders from the General Land Office of November 22, 1859, and April 4, 1865, from which to select a permanent reservation for said Indians, be restored to market, is hereby approved, and you will be pleased to carry the same into effect.

Very respectfully, your obedient servant,

C. Delano, *Secretary.*

The Commissioner of the General Land Office.

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*Lac de Flambeau Reserve.**

[Area, [illegible] square miles; treaty September 30, 1854; act of May 29, 1872 (17 Stat., 190).]

Department of the Interior,
Office Indian Affairs, June 22, 1866.

Sir: Provision is made in the third section of the second article of the treaty of September 30, 1854, with the Chippewa Indians of Lake Superior and the Mississippi, for setting apart and withholding from sale a tract of land lying about Lac de Flambeau, "equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed by the President." (U. S. Statutes at Large, vol. 10, p. 1109.)

As the lands adjoining this lake are about to be offered at public sale, it is important that immediate action should be taken in withdrawing from sale lands necessary for this reservation. The following-described lands were included within a survey made to define the boundaries of this reservation in June, 1863, by A. C. Stunz, surveyor, under the direction of the Superintendent of Indian Affairs, viz: Sections 5 and 6, township 39 north, range 6 east; sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, township 40 north, range 6 east; sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, township 41 north, range 6 east; all of township 41 north, range 5 east; sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 41 north, range 4 east; sections 1, 2, 11, 12, 13, and 14, township 40 north, range 4 east; sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18; township 40 north, range 5 east; the area of the same being 55,630.26 acres.

As this is a less amount of land than is provided for in the treaty for said reservation, I would respectfully recommend that in addition to the foregoing there be reserved from sale, until such time as the boundaries of the reservation are fully defined, the following-described lands which are contiguous to those included in the survey above stated, viz: Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 40 north, range 5 east; sections 3, 10, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, township 40 north, range 4 east.

Very respectfully, your obedient servant,

D. N. Cooley, *Commissioner.*

Hon. James Harlan,
Secretary of the Interior.

Department of the Interior, General Land Office,
Washington, June 27, 1866.

Sir: I have received your letter of the 26th instant inclosing a copy of a letter from the Commissioner of Indian Affairs, dated the 22d, requesting the withholding from sale of certain lands on account of the Lac de Flambeau band of Chippewas, under third section, second article, of the treaty of September 30, 1854.

In compliance with your instructions the necessary entries have been made in the records of this office, and the register and receiver at

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*See Appendix II, post, p. 1051.

Stevens Point, Wis., have this day been directed to withhold from sale the land described in the Commissioner's letter. A copy of my letter is inclosed herewith.

Very respectfully, your obedient servant,

JOS. S. WILSON,
Acting Commissioner.

Hon. JAMES HARLAN,
Secretary of the Interior.

[Inclosure.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, June 27, 1866.

GENTLEMEN: In pursuance of the order of the Secretary of the Interior of the 26th instant, the following-described lands will be withheld from settlement or sale on account of the Lac de Flambeau band of Chippewa Indians, to wit: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, township 40, range 4 east; sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 41, range 4 east; all of township 40, range 5 east; all of township 41, range 5 east; sections 5 and 6, township 39, range 6 east; sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, township 40, range 6 east; and sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, township 41, range 6 east.

These lands will be held in reservation for the purpose mentioned, and consequently will not be subject to settlement or sale, and you will so enter them on your plats and tract-books, and advise me when that has been done.

Very respectfully,

JOS. S. WILSON,
Acting Commissioner.

REGISTER AND RECEIVER,
Stevens Point, Wis.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 28, 1866.

SIR: For your information I inclose herewith copy of letter of the Commissioner of the General Land Office, transmitting to this Department copy of the order of withdrawal from public sale of certain lands in the vicinity of Lac de Flambeau, Wis., as directed by my letter of the 26th instant.

Very respectfully, your obedient servant,

JAS. HARLAN, *Secretary.*

Hon. D. N. COOLEY,
Commissioner of Indian Affairs.

Red Cliff Reserve.

[Occupied by La Pointe Band of Chippewa; treaty September 30, 1854, and resolution February 20, 1895 (28 Stat., 970).]

GENERAL LAND OFFICE,
September 6, 1855.

SIR: Inclosed I have the honor to submit an abstract from the Acting Commissioner of Indian Affairs' letter of the 5th instant, requesting the withdrawal of certain lands for the Chippewa Indians in Wisconsin, under the treaty of September 30, 1854, referred by the Department to this office on the 5th instant, with orders to take immediate steps for the withdrawal of the lands from sale.

In obedience to the above order I herewith inclose a map, marked A, showing by the blue shades thereon the townships and parts of townships desiring to be reserved, no portion of which are yet in market, to wit: Township 51 north, of range 3 west, fourth principal meridian, Wisconsin; northeast quarter of township 51 north, of range 4 west, fourth principal meridian, Wisconsin; township 52 north, of ranges 3 and 4 west, fourth principal meridian, Wisconsin. For the preservation of which, until the contemplated selections under the sixth clause of the Chippewa treaty of 30th September, 1854, can be made, I respectfully recommend that the order of the President may be obtained.

The requisite reports on the subject of the new surveys, and respecting pre-emption claims, referred to in the same order, will be prepared and communicated at an early day.

I am, respectfully, your obedient servant,

THOMAS A. HENDRICKS,
Commissioner.

Hon. R. McCLELLAND,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
February 20, 1856.

This plat represents by the blue shade certain land to be withdrawn with a view to a reservation under Chippewa treaty of 30th September, 1854, and as more particularly described in Commissioner of the General Land-Office's letter of 6th September, 1855. The subject was referred to the President for his sanction of the recommendation made in Secretary's letter of 8th September, 1855, and the original papers can not now be found. This plat is a duplicate of the original received in letter of Commissioner of the General Land Office of this date, and is recommended to the President for his sanction of the withdrawal desired.

R. McCLELLAND, *Secretary.*

FEBRUARY 21, 1856.

Let the withdrawal be made as recommended.

FRANKLIN PIERCE.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, September 3, 1858.

SIR: My attention has just been called to the subject of your communication of the 31st of May last, together with the papers inclosed therewith, pertaining to the selection of the four sections of land reserved for that subdivision of the La Pointe band of which Buffalo was chief, under the sixth clause of the second article of the Chippewa treaty of September 30, 1854.

This matter formed the subject of a communication from this office to the Secretary of the Interior on the 5th of September, 1855, a copy of which is herewith inclosed, in which it was recommended that the necessary means should be taken to cause township 51 north, range 3 west, the northeast quarter of township 51 north, range 4 west, and township 52 north, ranges 3 and 4 west, to be reserved from sale until the selections were made, under the provisions of the aforesaid treaty, for the bands of Indians of which Buffalo was then chief.

Agreeably to the suggestions of this Bureau, your office was directed by the Secretary of the Interior, some time in the month of September, 1855, to adopt appropriate steps to have said tracts reserved from pre-emption and sale until the selections for the Indians had been made.

I find by an examination of a letter from Col. G. W. Manypenny, dated at La Pointe, Wis., August 24, 1855, that he (by mistake) designated the northeast quarter of township 51 north, of range 4 west, to be withheld from sale; whereas it should have been the southeast quarter of the same township and range; and I have now to request that you will direct the register and receiver of the proper local land office to withhold from pre-emption or sale sections 25 and 36 in the southeast quarter of the aforesaid township, the same being a portion of the lands selected by the Chief Ge-gi-qui-on, and that said sections should be respected upon the records of their office.

In view of these facts, I am of the opinion that no pre-emption claims presented subsequent to the selection of the land for Indian purposes in 1855 should be admitted to the prejudice of the rights of the Indians under the treaty.

The treaty evidently contemplated the selection of the land on or near the lake shore, and therefore it is not deemed requisite that the location should embrace four full sections, as such a construction, in view of the meanders of the lake, which prevent the location at that point; and as the legal subdivisions selected by Ge-gi-qui-on are in as compact a form as practicable, although the aggregate exceeds by 32.61 acres the area of four full sections of one square mile each, yet as the selections conform to the requirements of the treaty as nearly as possible, I hereby approve the location of the following tracts, and have to request that the same may be respected upon the books of your office, and that the proper local land office be notified of the same, to wit:

In T. 51, R. 3, west of fourth meridian:

	Acres.
Lot No. 3 in the northwest fractional quarter of section 20, containing	55. 35
Lot No. 4 in the southwest fractional quarter of section 20, containing	56. 70
Lot No. 5 in the southwest fractional quarter of section 20, containing	60. 72
Lot No. 1 in the northwest fractional quarter of section 29, containing	54. 38
Lot No. 2 in the northwest fractional quarter of section 29, containing	39. 43
Lot No. 3 in the southwest fractional quarter of section 29, containing	22. 88
Lot No. 1 in the southeast fractional quarter of section 30, containing	37. 62
The northeast quarter of the southeast fractional quarter of section 30, containing	40. 00
The west half of the southeast fractional quarter of section 30, containing	80. 00
The northeast quarter of section 30, containing	160. 00
The west half of section 30, containing	320. 00
Lot No. 1 in the northeast fractional quarter of section 31, containing	37. 70
Lot No. 2 in the northeast fractional quarter northwest fractional quarter of section 31, containing	61. 58
The northeast quarter of the northwest quarter of section 31, containing	40. 00
The west half of the northwest quarter of section 31, containing	80. 00
Lot No. 3 in the southwest fractional quarter of section 31, containing	42. 15
Lot No. 4 in the southwest fractional quarter of section 31, containing	44. 10
The west half of the southwest fractional quarter of section 31, containing.	80. 00
In T. 51, R. 4, west of fourth meridian:	
The whole of section 25, containing	640. 00
The whole of section 36, containing	640. 00
Total.	2, 592. 61

Very respectfully, your obedient servant,

CHARLES E. MIX, *Commissioner.*

JOSEPH S. WILSON, Esq.,
Acting Commissioner of the General Land Office.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, May 25, 1863.

SIR: I herewith transmit a plat showing a proposed enlargement of the Red Cliff Indian Reservation, in Wisconsin, it being that portion bounded by Lake Superior, and the yellow lines upon the plat, and would respectfully ask that you cause the lands embraced therein to be withheld from sale until definite action can be had upon the proposed enlargement.

Very respectfully, your obedient servant,

W. P. DOLE, *Commissioner.*

Hon. JOSEPH S. WILSON,
Acting Commissioner General Land Office.

NOTE.—By letter of the General Land Office, dated May 27, 1863, to the local land officers at Bayfield, Wis., said officers were instructed to "withhold from sale or location until further orders all the lands in townships 51 and 52, 3 west, sections 2 and 6, in township 51, 4 west, and township 52, 4 west, sections 1, 2, 3, and 4, township 51, 5 west, and township 52, 5 west."

Subsequently, by letter of September 11, 1863, the General Land

Office advised said local officers at Bayfield, Wis., that the islands in the above-named sections and townships were excluded from the operations of said order of withdrawal.

The plats in the General Land Office show the following lots and parcels of land to have been withheld from sale in consequence of said order:

Sections 6, 7, 8, 16, 17, 18, 19, 20, 21, 29, 30, and 31, township 51, range 3 west.

Lot 1, section 31, township 52, range 3 west.

Sections 1, 2, and 6, township 51, range 4 west.

Lot 1, section 21, lot 1, section 22, and sections 26, 27, 28, 31, 32, 33, 34, 35, and 36, township 52, range 4 west.

Sections 1, 2, 3, and 4, township 51, range 5 west.

Sections 34, 35, and 36, township 52, range 5 west.

(Lands withdrawn by General Land Office May 8 and June 3, 1863.)

WYOMING.

Wind River or Shoshoni Reserve.

[Occupied by Northern Arapaho and Eastern Shoshoni; 2,828 square miles; treaty July 3, 1868, and acts June 22, 1874 (18 Stat., 166), and December 15, 1874 (18 Stat., 291).]

War Department,
Washington City, May 18, 1887.

To the President:

Sir: Upon recommendation of the Lieutenant-General commanding the Army, I have the honor to request that the following-described tract of land in the Territory of Wyoming, embraced within the limits of the Wind River or Shoshone Indian Reservation, created by treaties of July 3, 1868, and June 22, 1874, may be duly declared and set apart by the Executive as a military reservation for the post of Fort Washakie, viz:

Commencing at a point 58.5 chains south 20 degrees east of the flagstaff of Fort Washakie, Wyo. T., and running thence east 25 degrees north 185.5 chains; thence north 30 degrees west 128.5 chains; thence west 27 degrees south 228.5 chains; thence south 14 degrees west 89 chains; thence east 2 degrees 30 seconds north 49 chains; thence east 10 degrees south 74 chains to the place of beginning. Area 1,405 acres, more or less.

A tracing showing the proposed military reservation, as surveyed in January, 1887, by Lieut. E. E. Hardin, Seventh Infantry, is inclosed herewith.

The Acting Secretary of the Interior states that there is no objection, on the part of that Department, to the use of the tract in question for military purposes (the selection of which is the result of a mutual agreement between the two Departments), provided it be understood that the same be subject to such right, title, and interest as the Indians have to and in said land, which shall be vacated whenever the interest of the Indians requires it.

I have the honor to be, sir, with great respect, your obedient servant,

Wm. C. Endicott,
Secretary of War.

Executive Mansion,
Washington, May 24, 1887.

The within request is approved and the reservation is made and proclaimed accordingly; provided, that the use and occupancy of the land in question be subject to such right, title, and interest as the Indians have in and to the same, and that it be vacated whenever the interest of the Indians shall require it, upon notice to that effect to the Secretary of War.

The Secretary of the Interior will cause the proper notation to be made in the General Land Office.

Grover Cleveland.

PART IV.—PROCLAMATIONS.

April 26, 1879.

21 Stat., 797

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

Whereas it has become known to me that certain evil disposed persons have within the territory and jurisdiction of the United States, begun and set on foot preparations for an organized and forcible possession of, and settlement upon the lands of what is known as the Indian Territory, west of the State of Arkansas, which Territory is designated, recognized and described by the treaties and laws of the United States, and by the Executive Authorities, as Indian Country, and as such, is only subject to occupation by Indian tribes, officers of the Indian Department, military posts and such persons as may be privileged to reside and trade therein under the intercourse laws of the United States;

And whereas those laws provide for the removal of all persons residing and trading therein, without express permission of the Indian Department and agents, and also of all persons whom such agents may deem to be improper persons to reside in the Indian Country:

Settling in the Indian Territory.

Now, therefore, for the purpose of properly protecting the interests of the Indian nations and tribes, as well as of the United States in said Indian Territory, and of duly enforcing the laws governing the same, I, Rutherford B. Hayes, President of the United States, do admonish and warn all such persons so intending or preparing to remove upon said lands or into said Territory, without permission of the proper agent of the Indian Department, against any attempt to so remove or settle upon any of the lands of said Territory; and I do further warn and notify any and all such persons who may so offend, that they will be speedily and immediately removed therefrom by the agent according to the laws made and provided; and if necessary the aid and assistance of the military forces of the United States will be invoked to carry into proper execution the laws of the United States herein referred to.

See proclamation Feb. 12, 1880. 21 Stat., 798.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-sixth day of April, in the year of our Lord one thousand eight hundred and seventy-nine, and of the Independence of the United States the one hundred and third.

[L. S]

RUTHERFORD B. HAYES.

By the President:
WM. M. EVARTS,
Secretary of State.

No. 2.

Feb. 12, 1880.

21 Stat., 798.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas it has become known to me that certain evil-disposed persons have, within the territory and jurisdiction of the United States, begun and set on foot preparations for an organized and forcible possession of and settlement upon the lands of what is known as the Indian Territory, west of the State of Arkansas, which Territory is designated, recognized, and described by the treaties and laws of the United States, and by the Executive authorities, as Indian Country, and as such is only subject to occupation by Indian tribes, officers of the Indian Department, military posts, and such persons as may be privileged to reside and trade therein under the intercourse laws of the United States;

And whereas those laws provide for the removal of all persons residing and trading therein, without express permission of the Indian Department and agents, and also of all persons whom such agents may deem to be improper persons to reside in the Indian Country;

And whereas, in aid and support of such organized movement, it has been represented that no further action will be taken by the Government to prevent persons from going into said Territory and settling therein, but such representations are wholly without authority:

Settling in the Indian Territory.

Now, therefore, for the purpose of properly protecting the interests of the Indian nations and tribes, as well as of the United States, in said Indian Territory, and of duly enforcing the laws governing the same, I, Rutherford B. Hayes, President of the United States, do admonish and warn all such persons so intending or preparing to remove upon said lands, or into said Territory, without permission of the proper agent of the Indian Department, against any attempt to so remove or settle upon any of the lands of said Territory; and I do further warn and notify any and all such persons who may so offend that they will be speedily and immediately removed therefrom by the agent, according to the laws made and provided, and that no efforts will be spared to prevent the invasion of said Territory, rumors spread by evil-disposed persons to the contrary notwithstanding; and if necessary the aid and assistance of the military forces of the United States will be invoked to carry into proper execution the laws of the United States herein referred to.

See Proclamation April 26, 1879. 21 Stat., 797.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twelfth day of February, in the year of our Lord one thousand eight hundred and eighty, [SEAL.] and of the Independence of the United States the one hundred and fourth.

R. B. HAYES.

By the President:

WM. M. EVARTS,
Secretary of State.

July 23, 1885.

24 Stat., 1023.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Preamble.

Whereas certain portions of the Cheyenne and Arapahoe Indian Reservation in the Indian Territory, are occupied by persons other than Indians who claim the right to keep and graze cattle thereon, by agreement made with the Indians for whose special possession and occupancy the said lands have been reserved by the Government of the United States, or under other pretexts and licences:

And whereas all such agreements and licenses are deemed void and of no effect, and the persons so occupying said lands with cattle are considered unlawfully upon the domain of the United States so reserved as aforesaid:

And whereas the claims of such persons under said leases and licenses, and their unauthorized presence upon such reservation, have caused complaint and discontent on the part of the Indians located thereon, and are likely to cause serious outbreaks and disturbances;

Grazing in Indian Territory prohibited

Now therefore, I, Grover Cleveland, President of the United States do hereby order and direct that all persons other than Indians, who are now upon any part of said reservation for the purpose of grazing cattle thereon, and their servants and agents, and all other unauthorized persons now upon said reservation, do within forty days from the date of this Proclamation, depart and entirely remove therefrom with their cattle, horses, and other property.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, on this 23d day of July, one thousand eight hundred and eighty-five, and the year of the Independence of the United States the one hundred and tenth.

[U. S. SEAL.]

GROVER CLEVELAND.

By the President:
T. F. BAYARD,
Secretary of State.

Dec. 30, 1887.
25 Stat., 1483.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas the title to all that territory lying between the North and South forks of the Red River and the hundredth degree of longitude, and jurisdiction over the same are vested in the United States, it being a part of the Indian Territory, as shown by surveys and investigation made on behalf of the United States, which territory the State of Texas also claims title to and jurisdiction over; and

Whereas said conflicting claim grows out of a controversy existing between the United States and the State of Texas as to the point where the hundredth degree of longitude crosses the Red River, as described in the treaty of February 22, 1819, between the United States and Spain, fixing the boundary line between the two countries; and

23 Stat., 296.

Sale of lands, etc., in Indian Territory claimed by Greer County, Tex., forbidden.

Whereas the Commissioners, appointed on the part of the United States, under the Act of January 31, 1885, authorizing the appointment of a Commission by the President to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar Commission to be appointed by the State of Texas, have, by their report determined that the South Fork is the true Red River designated in the treaty; the Commissioners appointed on the part of said State refusing to concur in said report, now, therefore, I, Grover Cleveland, President of the United States, do hereby admonish and warn all persons, whether claiming to act as officers of the County of Greer, in the State of Texas, or otherwise, against selling or disposing of, or attempting to sell or dispose of any of said lands, or from exercising or attempting to exercise any authority over said lands.

Persons warned against purchasing.

And I also warn and admonish all persons against purchasing any part of said territory from any person or persons whomsoever.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this thirtieth day of December in the year of our Lord one thousand eight hundred and eighty-seven, and of the Independence of the United States the one hundred and twelfth.

[SEAL.]

GROVER CLEVELAND.

By the President:
T. F. BAYARD,
Secretary of State.

March 23, 1889.
25 Stat., 1544.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.
Ante, p. 321.

Whereas, pursuant to Section eight, of the act of Congress, approved March third, eighteen hundred and eighty-five, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," certain articles of cession and agreement were made and concluded at the City of Washington on the nineteenth day of January, in the year of our Lord eighteen hundred and eighty-nine, by and between the United States of America, and the Muscogee (or Creek) Nation of Indians, whereby the said Muscogee (or Creek) Nation of Indians, for the consideration therein mentioned, ceded and granted to the United States, without reservation or condition, full and complete title to the entire western half of the domain of the said Muscogee (or Creek) Nation, in the Indian Territory, lying west of the division line surveyed and established under the treaty with said Nation, dated the fourteenth day of June, eighteen hundred and sixty-six, and also granted and released to the United States all and every claim, estate, right or interest of any and every description in and to any and all land and territory whatever, except so much of the former domain of said Muscogee (or Creek) Nation as lies east of said line of division surveyed and established as aforesaid, and then used and occupied as the home of said Nation, and which articles of cession and agreement were duly accepted, ratified and confirmed by said Muscogee (or Creek) Nation of Indians by act of its council, approved on the thirty first day of January, eighteen hundred and eighty-nine, and by the United States by act of Congress, approved March first, eighteen hundred and eighty-nine, and

25 Stat., 1004.

Whereas, by Section twelve of the Act, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes," approved March second, eighteen hundred and eighty-nine, a sum of money was appropriated to pay in full the Seminole Nation of Indians for all the right, title, interest and claim which said Nation of Indians might have in and to certain lands ceded by article three of the treaty between the United States and said Nation of Indians, concluded June fourteenth, eighteen hundred and sixty-six, and proclaimed August sixteenth, eighteen hundred and sixty-six, said appropriation to become operative upon the execution by the duly appointed delegates of said Nation, specially empowered to do so, of a release and conveyance to the United States of all right, title, interest and claim of said Nation of Indians, in and to said lands, in manner, and form, satisfactory to the President of the United States, and

Whereas, said release and conveyance, bearing date the sixteenth day of March, eighteen hundred and eighty-nine, has been duly and fully executed, approved and delivered, and,

25 Stat., 1005.

Whereas, Section thirteen of the Act last aforesaid, relating to said lands, provides as follows:

SEC. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided, and sections sixteen and thirty-six of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, to be established within the limits of said lands under such conditions and regulations as may be hereafter enacted by Congress.

That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section two thousand three hundred and one of the Revised Statutes shall not apply): And provided further, That any person who having attempted to, but for any cause, failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: And provided further, That the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged: And provided further, That each entry shall be in square form as nearly as practicable, and no person be permitted to enter more than one-quarter section thereof, *but until said lands are opened for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.*

The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for town-sites, under sections twenty-three hundred and eighty-seven and twenty-three hundred and eighty-eight of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians, including the provisions pertaining to forfeiture shall apply to and regulate the disposal of the lands acquired from the Muscogee or Creek Indians by articles of cession and agreement made and concluded at the city of Washington, on the nineteenth day of January in the year of our Lord eighteen hundred and eighty-nine.

Creek lands declared open to settlement.

Now therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by said Act of Congress, approved March second, eighteen hundred and eighty-nine, aforesaid, do hereby, *declare and make known*, that so much of the lands, as aforesaid, acquired from or conveyed by the Muscogee (or Creek) Nation of Indians, and from or by the Seminole Nation of Indians, respectively, as is contained within the following described boundaries, viz:

Boundaries.

Beginning at a point where the degree of longitude ninety-eight west from Greenwich, as surveyed in the years eighteen hundred and fifty-eight and eighteen hundred and seventy-one, intersects the Canadian River; thence, north along and with the said degree to a point where the same intersects the Cimarron River; thence, up said river, along the right bank thereof, to a point where the same is intersected by the south line of what is known as the Cherokee lands lying west of the Arkansas River or as the "Cherokee Outlet," said line being the north line of the lands ceded by the Muscogee (or Creek) Nation of Indians to the United States by the treaty of June fourteenth, eighteen hundred and sixty-six; thence, east along said line to a point where the same intersects the west line of the lands set apart as a reservation for the Pawnee Indians by act of Congress approved April tenth, eighteen hundred and seventy-six, being the range line between ranges four and five east of the Indian Meridian; thence, south on said line to a point where the same intersects the middle of the main channel of the Cimarron River; thence, up said river, along the middle of the main channel thereof, to a point where the same intersects the range line between range one east and range one west, (being the Indian Meridian), which line forms the western boundary of the reservations set apart respectively for the Iowa and Kickapoo Indians, by Executive Orders, dated, respectively, August fifteenth, eighteen hundred and eighty-three; thence, south along said range line or meridian to a point where the same intersects the right bank of the North Fork of the Canadian River; thence, up said river, along the right bank thereof, to a point where the same is intersected by the west line of the reservation occupied by the Citizen Band of Pottawatomies, and the Absentee Shawnee Indians, set apart under the provisions of the treaty of February twenty-seven, eighteen hundred and sixty-seven, between the United States and the Pottawatomie tribe of Indians, and referred to in the act of Congress approved May twenty-three, eighteen hundred and seventy-two; thence south along the said west line of the aforesaid reservation to a point where the same intersects the middle of the main channel of the Canadian River; thence, up the said river, along the middle of the main channel thereof, to a point opposite to the place of beginning; and thence north to the place of beginning, (saving and excepting one acre of land in square form in the northwest corner of section nine, in township sixteen north, range two west, of the Indian Meridian in Indian Territory, and also one acre of land in the southeast corner of the northwest quarter of section fifteen, township sixteen north, range seven west, of the Indian Meridian in the Indian Territory; which last described two acres are hereby reserved for Government use and control), will, at and after the hour of twelve o'clock, noon, of the twenty-second day of April, next, and not before, be open for settlement, under the terms of, and subject to, all the conditions, limitations and restrictions contained in said Act of Congress, approved March second, eighteen hundred and eighty-nine, and the laws of the United States applicable thereto.

Open Apr. 22, 1889.

No other lands in Indian Territory open.

And it is hereby expressly *declared and made known*, that no other parts or portions of the lands embraced within the Indian Territory than those herein specifically described, and declared to be open to settlement at the time above named and fixed, are to be considered as open to settlement under this proclamation or the Act of March second, eighteen hundred and eighty-nine, aforesaid; and

Warning against entry before April 22, 1889.

Warning is hereby again expressly given, that no person entering upon and occupying said lands before said hour of twelve o'clock, noon, of the twenty-second day of April, A. D. eighteen hundred and eighty-nine, hereinbefore fixed, will ever be permitted to enter any of said lands or acquire any rights thereto; and that the officers of the United States will be required to strictly enforce the provision of the Act of Congress to the above effect.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington this Twenty-third day of March, in the year of our Lord one thousand eight hundred and eighty nine, and of the Independence of the United States the one hundred and thirteenth.

[SEAL.]

BENJ. HARRISON.

By the President:
JAMES G. BLAINE,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Feb. 10, 1890.

26 Stat., 1554.
Preamble.

Whereas, it is provided in the Act of Congress, approved March second, eighteen hundred and eighty-nine, entitled "An Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes"—

25 Stat., 888.
Ante, p. 328.

That this act shall take effect, only, upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians, in manner and form prescribed by the twelfth article of the treaty between the United States and said Sioux Indians concluded April twenty-ninth, eighteen hundred and sixty-eight, which said acceptance and consent shall be made known by proclamation by the President of the United States, upon satisfactory proof presented to him, that the same has been obtained in the manner and form required, by said twelfth article of said treaty; which proof shall be presented to him within one year from the passage of this act; and upon failure of such proof and proclamation this act becomes of no effect and null and void.

And,

Whereas satisfactory proof has been presented to me that the acceptance of and consent to the provisions of the said act by the different bands of the Sioux Nation of Indians have been obtained in manner and form as therein required;

Opening of Sioux Reservation.

Acceptance by Indians.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested, do hereby make known and proclaim the acceptance of said act by the different bands of the Sioux Nation of Indians, and the consent thereto by them as required by the act, and said act is hereby declared to be in full force and effect, subject to all the provisions, conditions, limitations and restrictions, therein contained.

All persons will take notice of the provisions of said act, and of the conditions, limitations and restrictions therein contained, and be governed accordingly.

Reservations for Indians.

I furthermore notify all persons to particularly observe that by said act certain tracts or portions of the Great Reservation of the Sioux Nation in the Territory of Dakota, as described by metes and bounds, are set apart as separate and permanent reservations for the Indians receiving rations and annuities at the respective agencies therein named;

Allotment to Indians.

That any Indian receiving and entitled to rations and annuities at either of the agencies mentioned in this act at the time the same shall take effect, but residing upon any portion of said Great Reservation not included in either of the separate reservations herein established, may, at his option, within one year from the time when this act shall take effect, and within one year after he has been notified of his said right of option in such manner as the Secretary of the Interior shall direct by recording his election with the proper agent at the agency to which he belongs, have the allotment to which he would be otherwise entitled on one of said separate reservations upon the land where such Indian may then reside.

Allotments to Poncas.

That each member of the Ponca tribe of Indians now occupying a part of the old Ponca Reservation, within the limits of the said Great Sioux Reservation, shall be entitled to allotments upon said old Ponca Reservation, in quantities as therein set forth, and that when allotments to the Ponca tribe of Indians, and to such other Indians as allotments are provided for by this act, shall have been made upon that portion of said reservation which is described in the act entitled "an act to extend the northern boundary of the State of Nebraska," approved March twenty-eighth, eighteen hundred and eighty-two, the President shall, in pursuance of said act, declare that the Indian title is extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in

22 Stat., 35.

said act of March twenty-eighth, eighteen hundred and eighty-two, shall be open to settlement as provided in this act;

Protection to Indians.

That protection is guaranteed to such Indians as may have taken allotments either within or without the said separate reservations under the provisions of the treaty with the Great Sioux Nation, concluded April twenty-ninth, eighteen hundred and sixty-eight; and that provision is made in said act for the release of all title on the part of said Indians receiving rations and annuities on each separate reservation, to the lands described in each of the other separate reservations, and to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured to the different bands of the Sioux Nation by said treaty of April twenty-ninth, eighteen hundred and sixty-eight; and that said release shall not affect the title of any individual Indian to his separate allotment of land not included in any of said separate reservations, nor any agreement heretofore made with the Chicago, Milwaukee and Saint Paul Railroad Company or the Dakota Central Railroad Company respecting certain lands for right of way, station grounds, etc., regarding which certain prior rights and privileges are reserved to and for the use of said railroad companies, respectively, upon the terms and conditions set forth in said act:

Indian titles.

Rights of way.

Lands for missionary or educational work.

That it is therein provided that if any land in said Great Sioux Reservation is occupied and used by any religious society at the date of said act for the purpose of missionary or educational work among the Indians, whether situate outside of or within the limits of any of the separate reservations, the same, not exceeding one hundred and sixty acres in any one tract, shall be granted to said society for the purposes and upon the terms and conditions therein named, and

Lands to homestead settlers.

Subject to all the conditions and limitations in said act contained, it is therein provided that all the lands in the Great Sioux Reservation outside of the separate reservations described in said act, except American Island, Farm Island, and Niobrara Island, regarding which Islands special provisions are therein made, and sections sixteen and thirty-six in each township thereof (which are reserved for school purposes) shall be disposed of by the United States, upon the terms, at the price and in the manner therein set forth, to actual settlers only, under the provisions of the homestead law (except section two thousand three hundred and one thereof) and under the law relating to town-sites.

That section twenty-three of said act provides—

Prior bona fide settlers granted leave to reenter.
1889, ch. 405.
Ante, p. 888.

> That all persons who, between the twenty-seventh day of February, eighteen hundred and eighty-five, and the seventeenth day of April, eighteen hundred and eighty-five, in good faith, entered upon or made settlement with intent to enter the same under the homestead or pre-emption laws of the United States upon any part of the Great Sioux Reservation lying east of the Missouri River, and known as the Crow Creek and Winnebago Reservation, which, by the President's proclamation of date February twenty-seventh, eighteen hundred and eighty-five, was declared to be open to settlement, and not included in the new reservation established by section six of this act, and who, being otherwise legally entitled to make such entries, located or attempted to locate thereon homestead, pre-emption, or town-site claims by actual settlement and improvement of any portion of such lands, shall, for a period of ninety days after the proclamation of the President required to be made by this act, have a right to re-enter upon said claims and procure title thereto under the homestead or pre-emption laws of the United States, and complete the same as required therein, and their said claims shall, for such time, have a preference over later entries; and when they shall have in other respects shown themselves entitled and shall have complied with the law regulating such entries, and, as to homesteads, with the special provisions of this act, they shall be entitled to have said lands, and patents therefor shall be issued as in like cases: *Provided*, That pre-emption claimants shall reside on their lands the same length of time before procuring title as homestead claimants under this act. The price to be paid for town-site entries shall be such as is required by law in other cases, and shall be paid into the general fund provided for by this act.

Reservation for Lower Brule Agency.

It is, furthermore, hereby made known that there has been and is hereby reserved from entry or settlement that tract of land now occupied by the agency and school buildings at the Lower Brule Agency, to wit:

The west half of the southwest quarter of section twenty-four; the east half of the southeast quarter of section twenty-three; the west half of the northwest quarter of section twenty-five; the east half of the northeast quarter of section twenty-six, and the northwest fractional quarter of the southeast quarter of section twenty-six; all in township one hundred and four, north of range seventy-two, west of the fifth principal meridian;

Reservation at Cheyenne River Agency.

That there is also reserved as aforesaid the following described tract within which the Cheyenne River Agency, school and certain other buildings are located, to wit: Commencing at a point in the center of the main channel of the Missouri River opposite Deep Creek, about three miles south of Cheyenne River; thence due west five and one half miles; thence due north to the Cheyenne River; thence down said river to the center of the main channel thereof to a point in the center of the Missouri River due east or opposite the mouth of said Cheyenne River; thence down the center of the main channel of the Missouri River to the place of beginning:

Reservation at Pine Ridge Agency.
1889, ch. 405, ante, p. 328.

That in pursuance of the provisions contained in section one of said act, the tract of land situate in the State of Nebraska and described in said act as follows; to wit: "Beginning at a point on the boundary-line between the State of Nebraska and the Territory of Dakota, where the range line between ranges forty-four and forty-five west of the sixth principal meridian, in the Territory of Dakota, intersects said boundary-line; thence east along said boundary-line five miles; thence due south five miles; thence due west ten miles; thence due north to said boundary-line; thence due east along said boundary-line to the place of beginning," same is continued in a state of reservation so long as it may be needed for the use and protection of the Indians receiving rations and annuities at the Pine Ridge Agency.

Persons warned against entering lands reserved to Indians.

Warning is hereby also expressly given to all persons not to enter or make settlement upon any of the tracts of land specially reserved by the terms of said act, or by this proclamation, or any portion of any tracts of land to which any individual member of either of the bands of the great Sioux Nation, or the Ponca tribe of Indians, shall have a preference right under the provisions of said act; and further, to in no wise interfere with the occupancy of any of said tracts by any of said Indians, or in any manner to disturb, molest or prevent the peaceful possession of said tracts by them.

Surveys.

The surveys required to be made of the lands to be restored to the public domain under the provisions of the said act, and as in this proclamation set fourth will be commenced and executed as early as possible.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this tenth day of February in the year of our Lord one thousand eight hundred and ninety, and of the Independence of the United States the one hundred and fourteenth.

[SEAL.]

BENJ. HARRISON.

By the President:
JAMES G. BLAINE,
Secretary of State.

Feb. 17, 1890.
26 Stat., 1577.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas, that portion of the Indian Territory, commonly known as the Cherokee Strip or Outlet, has been for some years in the occupancy of an association or associations of white persons under certain contracts, said to have been made with the Cherokee Nation in the nature of a lease or leases for grazing purposes; and

Whereas, an opinion has been given to me by the Attorney General, concurring with the opinion given to my predecessor by the late Attorney General, that whatever the right or title of said Cherokee Nation or of the United States to or in said lands may be, no right exists in said Cherokee Nation under the Statutes of the United States to make such leases or grazing contracts, and that such contracts are wholly illegal and void; and

Whereas, the continued use of said lands thereunder for grazing purposes is prejudicial to the public interests;

Grazing of cattle forbidden on Cherokee strip.
Cattle to be removed before Oct. 1, 1890.

Now, therefore, I, Benjamin Harrison, President of the United States, do hereby proclaim and give notice:

First. That no cattle or live stock shall hereafter be brought upon said lands for herding or grazing thereon;

Second. That all cattle and other live stock now on said Outlet must be removed therefrom not later than October 1, 1890, and so much sooner as said lands or any of them may be or become lawfully open to settlement by citizens of the United States; and that all persons connected with said cattle companies or associations must, not later than the time above indicated, depart from said lands.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this seventeenth day of February, in the year of our Lord one thousand eight hundred and ninety, and of the Independence of the United States of America, the one hundred and fourteenth.

[SEAL.]

BENJ. HARRISON.

By the President:
JAMES G. BLAINE,
Secretary of State.

Oct. 23, 1890.
26 Stat., 1559.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, it is provided in the Act of Congress, entitled "An act to extend the Northern boundary of the State of Nebraska," approved March twenty-eighth, eighteen hundred and eighty-two,

> That the northern boundary of the State of Nebraska shall be, and hereby is, subject to the provisions hereinafter contained, extended so as to include all that portion of the Territory of Dakota lying south of the forty-third parallel of north latitude and east of the Keyapaha River and west of the main channel of the Missouri River; and when the Indian title to the lands thus described shall be extinguished, the jurisdiction over said lands shall be, and hereby is, ceded to the State of Nebraska, and subject to all the conditions and limitations provided in the act of Congress admitting Nebraska into the Union, and the northern boundary of the State shall be extended to said forty-third parallel as fully and effectually as if said lands had been included in the boundaries of said State at the time of its admission to the Union; reserving to the United States the original right of soil in said lands and of disposing of the same: *Provided,* That this act, so far as jurisdiction is concerned, shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished, nor shall it take effect until the State of Nebraska shall

> have assented to the provisions of this act; and if the State of Nebraska shall not by an act of its legislature consent to the provisions of this act within two years next after the passage hereof, this act shall cease and be of no effect;

and

1889, ch. 405, ante, p. 888.

Whereas, by section thirteen of the act entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March second, eighteen hundred and eighty-nine, it is provided that

> When the allotments to the Ponca tribe of Indians and to such other Indians as allotments are provided for by this act shall have been made upon that portion of said reservation which is described in the act entitled 'An act to extend the northern boundary of the State of Nebraska,' approved March twenty-eighth, eighteen hundred and eighty-two, the President shall, in pursuance of said act, declare that the Indian title is extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in said act of March twenty-eighth, eighteen hundred and eighty-two, shall be open to settlement as provided in this act: *Provided*, That the allotments to Ponca and other Indians authorized by this act to be made upon the land described in the said act entitled 'An act to extend the northern boundary of the State of Nebraska,' shall be made within six months from the time this act shall take effect;

and

Whereas, the State of Nebraska, by an act of its legislature, approved May twenty-third, eighteen hundred and eighty-two, entitled "An act declaring the assent of the State of Nebraska to an act of Congress of the United States, entitled 'An act to extend the northern boundary of the State of Nebraska' approved March 28, 1882," assented to and accepted the provisions of said act of Congress, approved March twenty-eighth, eighteen hundred and eighty-two; and

Whereas, allotments have been made to the Ponca tribe of Indians, under and in accordance with the provisions of said section thirteen, of the act of March second, eighteen hundred and eighty-nine, and no other Indians having selected or applied for allotments upon that portion of the reservation of the Sioux Nation of Indians described in the act of March twenty-eighth, eighteen hundred and eighty-two, aforesaid, and the six months limit of time within which said allotments were authorized to be made having expired on the tenth day of August, eighteen hundred and ninety;

Indian titles extinguished to lands on Ponca Reservation, Nebr.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by the act (section thirteen) of March second, eighteen hundred and eighty-nine, aforesaid, and in pursuance of the act of March twenty-eighth, eighteen hundred and eighty-two, aforesaid, do hereby declare that the Indian title is extinguished to all lands described in said act of March twenty-eighth, eighteen hundred and eighty-two, not allotted to the Ponca tribe of Indians as aforesaid and shown upon a schedule, in duplicate, of allotments made and certified jointly, by George P. Litchfield, U. S. Special Agent, and James E. Helms, U. S. Indian Agent, July thirty-first, eighteen hundred and ninety, and approved by the Acting Commissioner of Indian Affairs, October fourteenth, eighteen hundred and ninety, and by the Acting Secretary of the Interior, October twenty-second, eighteen hundred and ninety, one copy of which schedule of allotments is now on file in the Office of the Commissioner of Indian Affairs and the other in the Office of the Commissioner of the General Land Office, Department of the Interior.

Reservation of agency and school building tract.

Be it known, however, that there is hereby reserved from entry or settlement, that tract of land now occupied by the Agency and school buildings of the old Ponca Agency, to wit: The south half of the south-east quarter of section twenty-six and the south half of the south-west quarter of section twenty-five, all in township thirty-two north, range seven west of the sixth principal meridian.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty third (23d) day of October, in the year of our Lord one thousand eight hundred and [SEAL.] ninety, and of the Independence of the United States the one hundred and fifteenth.

BENJ. HARRISON.

By the President:
ALVEY A. ADEE,
Acting Secretary of State.

May 20, 1891.
27 Stat., 979.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to an act of Congress approved May fifteenth, eighteen hundred and eighty-six, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various tribes for the year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes," an agreement was entered into on the fourteenth day of December, eighteen hundred and eighty-six, by John V. Wright, Jared W. Daniels, and Charles F. Larrabee, commissioners on the part of the United States, and the Arickaree, Gros Ventre, and Mandan tribes of Indians, residing on the Fort Berthold reservation, in the then Territory of Dakota, now State of North Dakota, embracing a majority of all the male adult members of said tribes; and

1891, ch. 543, ante, p. 425.

Whereas, by an act of Congress, approved March third, eighteen hundred and ninety-one, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes," the aforesaid agreement of December fourteenth, eighteen hundred and eighty-six, was accepted, ratified, and confirmed, except as to article six thereof, which was modified and changed on the part of the United States so as to read as follows:

> That the residue of lands within said diminished reservation, after all allotments have been made as provided in article three of this agreement, shall be held by the said tribes of Indians as a reservation;

and

Whereas, it is provided in said last above-mentioned act

> That this act shall take effect only upon the acceptance of the modification and changes made by the United States as to article six of the said agreement by the said tribes of Indians in manner and form as said agreement was assented to, which said acceptance and consent shall be made known by proclamation by the President of the United States, upon satisfactory proof presented to him that the said acceptance and consent have been obtained in such manner and form;

and

Whereas, satisfactory proof has been presented to me that the acceptance of, and consent to, the provisions of the act last named by the different bands of Indians residing on said reservation, have been obtained in manner and form as said agreement of December fourteenth, eighteen hundred and eighty-six, was assented to:

Fort Berthold Reservation, N. Dak.

Agreement with Indians ratified.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested, do hereby make known and proclaim the acceptance of, and consent to, the modification and changes made by the United States as to Article six of said agreement, by said tribe of Indians as required by the Act, and said Act is hereby declared to be in full force and effect, subject to all provisions, conditions, limitations, and restrictions therein contained.

All persons will take notice of the provisions of said Act, and of the conditions and restrictions therein contained, and be governed accordingly.

Lands reserved to Indians.

I furthermore notify all persons to particularly observe that a certain portion of the said Fort Berthold reservation not ceded and relinquished by said agreement, is reserved for allotment to, and also as a reservation for, the said tribes of Indians; and all persons are, therefore, hereby warned not to go upon any of the lands so reserved, for any purpose or with any intent whatsoever, as no settlement or other right can be secured upon said lands, and all persons found unlawfully thereon will be dealt with as trespassers and intruders; and I hereby declare all the lands sold, ceded, and relinquished to the United States under said agreement, namely;

Lands ceded to the United States.

"All that portion of the Fort Berthold reservation, as laid down upon the official map of the" (then) "Territory of Dakota, published by the General Land Office in the year eighteen hundred and eighty-five, lying north of the forty-eighth parallel of north latitude, and also all that portion lying west of a north and south line six miles west of the most westerly point of the big bend of the Missouri River, south of the forty-eighth parallel of north latitude," open to settlement, and subject to disposal as provided in Section twenty-five of the Act of March third, eighteen hundred and ninety-one aforesaid. (26 Stats., p. 1035.)

Ante, p. 428.

In witness thereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twentieth (20th) day of May, in the year of our Lord one thousand eight hundred and ninety-one, and of the independence of the United States the one hundred and fifteenth.

[SEAL.]

By the President:

BENJ HARRISON

Countersigned:

WILLIAM F WHARTON

Acting Secretary of State.

Sept. 18, 1891.

27 Stat., 989.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

Agreement with Sauk and Fox Indians, Oklahoma.

Whereas, by a written agreement, made on the twelfth day of June, eighteen hundred and ninety, the Sac and Fox Nation of Indians, in the Territory of Oklahoma, ceded and conveyed to the United States of America all title or interest of said Indians in and to the lands particularly described in Article I of the agreement, except the quarter section of land on which the Sac and Fox Agency is located: and provided that the section of land now designated and set apart near the Sac and Fox Agency for a school and farm shall not be subject either to allotment or to homestead entry; that every citizen of said Nation shall have an allotment of land, in quantity as therein stated, to be selected within the tract of country so ceded, except in sections sixteen (16) and thirty-six (36) in each Congressional township, and except the Agency quarter section and section set apart for school and farm, as above mentioned, or other lands selected in lieu thereof; that when the allotments to the citizens of the Sac and Fox Nation are made, the Secretary of the Interior shall cause trust patents to issue therefor in the name of the allottees, and that as soon as such allotments are so made, and approved by the Department of the Interior, and the patents provided for are issued, then the residue of said tract of country shall, as far as said Sac and Fox Nation is concerned, become public lands of the United States, and under such restrictions as may be imposed by law, be subject to white settlement; and

Agreement with Iowa Indians, Oklahoma.

Whereas, by a certain other agreement with the *Iowa tribe of Indians* residing on the Iowa Reservation, in said Territory, made on the twentieth day of May, eighteen hundred and ninety, said tribe surrendered and relinquished to the United States all their title and interest in and to the lands of said Indians in said Territory, and particularly described in Article I of said agreement; and provided that each and every member of said tribe shall have an allotment of eighty acres of land upon said reservation, and upon the approval of such allotments by the Secretary of the Interior, that trust patents shall be issued therefor, and that there shall be excepted from the operation of said agreement, a tract of land, not exceeding ten acres in a square form, including the church and school house and graveyard at or near the Iowa village, which shall belong to said Iowa tribe of Indians in common, subject to the conditions and limitations in said agreement expressed; that the chief of the Iowas may select an additional ten acres in a square form for the use of said tribe in said reservation, conforming in boundaries to the legal subdivisions of land therein, which shall be held by said tribe in common, subject to the conditions and limitations as expressed in relation thereto; and

1891, ch. 165, ante, p. 398.

Whereas, it is provided in the act of Congress approved February thirtieth, eighteen hundred and ninety-one (26 Stats. pp. 758, 759), section 7, accepting, ratifying, and confirming said agreements with the Sac and Fox Nation of Indians and the Iowa tribe of Indians,

> That whenever any of the lands acquired by the agreements in this act ratified and confirmed, shall by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead laws, except section twenty-three hundred and one, which shall not apply: *Provided, however*, that each settler, under and in accordance with the provisions of said homestead laws, shall, before receiving a patent for his homestead, pay to the United States for the land, so taken by him, in addition to the fees provided by law, the sum of *one dollar and twenty-five cents* for each acre thereof, and such person having complied with all the laws relating to such homestead settlement, may at his option receive a patent therefor at the expiration of twelve months from date of settlement upon said homestead, and any person otherwise qualified who has attempted to but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homstead entry upon any of said lands:

and

Agreement with Citizen Band Potawatomi Indians, Oklahoma.

Whereas, by a certain other agreement with the *Citizen Band of Pottawatomie Indians*, in said Territory, made on the twenty-fifth day of June, eighteen hundred and ninety, the said band of Indians ceded and absolutely surrendered to the United States all their title and interest in and to the lands in said Territory, and particularly described in Article I of said agreement, and provided that all allotments of land theretofore made, or then being made or to be made to members of said Citizen Band of Pottawatomie Indians under the provisions of the general allotment act approved February eighth, eighteen hundred and eighty-seven, shall be confirmed; that in all allotments to be thereafter made no person shall have the right to select his or her allotment in sections sixteen and thirty-six in any Congressional township; nor upon any land heretofore set apart in said tract of country for any use by the United States, or for schools, school-farm or religious purposes; nor shall said sections sixteen and thirty-six be subject to homestead entry, but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school-farm, or religious purposes, be subject to homestead entry, but shall be held by the United States for such purposes, so long as the

Ante, p. 33.

United States shall see fit to use them; and further, that the south half of section seven, and the north half of section eighteen, in township six north, range five east, theretofore set apart by a written agreement between said band of Indians and certain Catholic Fathers, for religious, school, and farm purposes, shall not be subject to allotment or homestead entry, but shall be held by the United States for the Sacred Heart Mission, the name under which said association of Fathers are conducting the church, school, and farm on said lands; and

Agreement with Absentee Shawnee Indians, Oklahoma.

Whereas, by a certain agreement with the *Absentee Shawnee Indians*, in said Territory, made on the twenty-sixth day of June, eighteen hundred and ninety, said last-named Indians ceded, relinquished, and surrendered, to the United States, all their title and interest in and to the lands in said Territory, and particularly described in Article I of said agreement, provided that all allotments of land theretofore made, or then being made or to be made to said Absentee Shawnees under the provisions of the general allotment act approved February eighth, eighteen hundred and eighty-seven, shall be confirmed; that in all allotments to be thereafter made, no person shall have the right to select his or her allotment in sections sixteen and thirty-six in any Congressional township; nor in any land heretofore set apart in said tract of country for any use by the United States, or for school, school-farm, or religious purposes; nor shall said sections sixteen and thirty-six be subject to homestead entry, but shall be held by the United States for such purposes so long as the United States shall see fit to use them; and

Ante, p. 23.

Whereas, it is provided in the *Act of Congress*, accepting, ratifying, and confirming said agreements with the Citizen Band of Pottawotomie Indians and the Absentee Shawnee Indians, approved March third, eighteen hundred and ninety-one (26 Stats., pp. 989 to 1044), section 16,

Ante, p. 409.

> That whenever any of the lands acquired by either of the * * foregoing agreements respecting lands in the Indian or Oklahoma Territory shall by operation of law or proclamation of the President of the United States be open to settlement they shall be disposed of to actual settlers only, under the provisions of the homestead and townsite laws (except section twenty-three hundred and one of the Revised States [Statutes] of the United States, which shall not apply): *Provided, however,* that each settler on said lands shall before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of *one dollar and fifty cents* per acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States shall not be abridged except as to the sum to be paid as aforesaid, and all the lands in Oklahoma are hereby declared to be agricultural lands, and proof of their non-mineral character shall not be required as a condition precedent to final entry;"

And Whereas, allotments of land in severalty to said Sac and Fox Nation, said Iowa tribe, said Citizen Band of Pottawatomies, and said Absentee Shawnee Indians have been made and approved, and provisional patents issued therefor, in accordance with law and the provisions of the before-mentioned agreements with them respectively, and an additional ten acres of land has been selected for the use of said Iowa tribe to be held by said tribe in common, in accordance with the provisions of supplemental article XII of the agreement with them; and

Whereas, the lands acquired by the four several agreements hereinbefore mentioned have been divided into counties, by the Secretary of the Interior as required by said last-mentioned act of Congress before the same shall be open to settlement, and lands have been reserved for county-seat purposes, as therein required; and

26 Stat., 81.

Whereas, it is provided by act of Congress for temporary government of Oklahoma, approved May 2, 1890, that there shall be reserved public highways four rods wide between each section of land in said Territory, the section lines being the centers of said highways, but no deduction shall be made from cash payments from each quarter section by reason thereof; and

Whereas, all the terms, conditions, and considerations required by said several agreements made respectively with said tribes of Indians hereinbefore mentioned, and of the laws relating thereto, precedent to opening said several tracts of land to settlement, have been as I hereby declare, provided for, paid, and complied with:

Lands acquired from Sauk and Fox, Iowa, Citizen Band of Potawatomi, and Absentee Shawnee Indians, Okla., opened to settlement September 22, 1891.
25 Stat., 980.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by the Statutes hereinbefore mentioned, also an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes," approved March second, eighteen hundred and eighty-nine, and by other the laws of the United States, and by said several agreements, do hereby declare and make known that all of the lands acquired from the Sac and Fox Nation of Indians, the Iowa tribe of Indians, the Citizen Band of Pottawatomie Indians, and the Absentee Shawnee Indians, by the four several agreements aforesaid, saving and excepting the lands allotted to the Indians as in said agreements provided, or otherwise reserved in pursuance of the provisions of said agreements and the said acts of Congress ratifying the same, and other, the laws relating thereto, will, at and after the hour of twelve o'clock noon (central standard time), Tuesday, the twenty-second day of this, the present month of September, and not before, be opened to settlement, under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreements, the Statutes above specified, and the laws of the United States applicable thereto.

Schedule.

The lands to be so opened to settlement are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands within the Sac and Fox, Iowa, Pottawatomie (and Absentee Shawnee) Reservations, in Oklahoma Territory, opened to settlement by proclamation of the President dated September 18, 1891," and which schedule is made a part hereof.

Entries.

Each entry shall be in square form as nearly as practicable, and no other lands in the Territory of Oklahoma are opened to settlement under this proclamation or the agreements ratifying the same.

No person permitted to enter on ceded lands until day of opening.

Notice, moreover, is hereby given that it is by law enacted that until said lands are opened to settlement by proclamation no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands, or acquire any right thereto. The officers of the United States will be required to enforce this provision.

Lands attached to land districts.

And further notice is hereby given that it has been duly ordered that the lands in the Territory of Oklahoma mentioned and included in this Proclamation be, and the same are attached to the eastern and Oklahoma land districts in said Territory, severally, as follows:

Eastern district, Oklahoma.

1. All that portion of the Territory of Oklahoma, commencing at the southwest corner of township 14 north, range 1, east; thence east on town line between townships 13 and 14 to the west boundary of the

Creek country; thence north on said boundary line to the middle of main channel of the Cimarron River; thence up the Cimarron River, following the main channel thereof to the Indian Meridian; thence south on said meridian line to the place of beginning is attached to the eastern land district in Oklahoma Territory, the office of which is now located at Guthrie.

Oklahoma district.

2. All that portion of said Territory commencing at the northwest corner of township 13 north, range 1 east; thence south on Indian Meridian to the north fork of the Canadian River; thence west up said river to the west boundary of the Pottawatomie Indian Reservation, according to Morrill's survey; thence south following the line as run by O. T. Morrill under his contract of September 3, 1872, to the middle of the main channel of the Canadian River; thence east down the main channel of said river to the west boundary of the Seminole Indian Reservation; thence north with said west boundary to the north fork of the Canadian River; thence east down said north fork to the west boundary of the Creek Nation; thence north with said west boundary to its intersection with the line between townships 13 and 14 north of the Indian base; thence west on town line between townships 13 and 14 north to the place of beginning is attached to the Oklahoma land district in said Territory, the office of which is now located at Oklahoma City.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eighteenth day of September, in the year of our Lord one thousand eight hundred and ninety-one, and of the Independence of the United States the one hundred and sixteenth.

[SEAL.]

BENJ HARRISON

By the President:

WILLIAM F WHARTON

Acting Secretary of State.

Apr. 11, 1892.

27 Stat., 1017.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Preamble.
Vol. 2, p. 956.

Whereas, by the third article of the treaty between the United States of America and the Sisseton and Wahpeton bands of Dakota or Sioux Indians, concluded February 19, 1867, proclaimed May 2, 1867 (15 U. S. Statutes, p. 505), the United States set apart and reserved for certain of said Indians certain lands, particularly described, being situated partly in North Dakota and partly in South Dakota, and known as the Lake Traverse Reservation; and

Agreement with Lake Traverse Indians.

Whereas, by agreement made with said Indians residing on said reservation, dated December 12, 1889, they conveyed, as set forth in article one thereof, to the United States, all their title and interest in and to all the unallotted lands within the limits of the reservation set apart as aforesaid remaining after the allotments shall have been made, which are provided for in article four of the agreement, as follows:

> That there shall be allotted to each individual member of the bands of Indians, parties hereto, a sufficient quantity, which, with the lands heretofore allotted, shall make in each case one hundred and sixty acres, and in case no allotment has been

> made to any individual member of said bands, then an allotment of one hundred and sixty acres shall be made to such individual;

and

Whereas, it is provided in article two of said agreement,

> That the cession, sale, relinquishment, and conveyance of the lands described in article one of this agreement shall not take effect and be in force until the sum of $342,778.37, together with the sum of $18,400, shall have been paid to said bands of Indians, as set forth and stipulated in article third of this agreement;

and

Ante, p. 432.

Whereas, it is provided in the act of Congress approved March 3, 1891 (26 U. S. Statutes, pp. 1036–1038, Sec. 30), accepting and ratifying the agreement with said Indians:

> That the lands by said agreement ceded, sold, relinquished, and conveyed to the United States shall immediately, upon the payment to the parties entitled thereto of their share of the funds made immediately available by this act, and upon the completion of the allotments as provided for in said agreement, be subject only to entry and settlement under the homestead and townsite laws of the United States, excepting the sixteenth and thirty-sixth sections of said lands, which shall be reserved for common school purposes, and be subject to the laws of the State wherein located: *Provided*, That patents shall not issue until the settler or entryman shall have paid to the United States the sum of two dollars and fifty cents per acre for the land taken up by such homesteader, and the title to the lands so entered shall remain in the United States until said money is duly paid by such entryman or his legal representatives, or his widow, who shall have the right to pay the money and complete the entry of her deceased husband in her own name, and shall receive a patent for the same,

and

Whereas, Payment as required by said act, has been made by the United States; and

Whereas, Allotments as provided for in said agreement, as now appears by the records of the Department of the Interior will have been made, approved, and completed, and all other terms and considerations required will have been complied with on the day and hour hereinafter fixed for opening said lands to settlement.

Lands on Lake Traverse Reservation, North and South Dakota, open to settlement Apr. 15, 1892.

Now, therefore, I, Benjamin Harrison, President of the United States, do hereby declare and make known that all of the lands embraced in said reservation, saving and excepting the lands reserved for and allotted to said Indians, and the lands reserved for other purposes in pursuance of the provisions of said agreement and the said act of Congress ratifying the same and other, the laws relating thereto will, at and after the hour of twelve o'clock noon (central standard time) on the fifteenth day of April, A. D. eighteen hundred and ninety-two, and not before, be opened to settlement under the terms of and subject to all the terms and conditions, limitations, reservations, and restrictions contained in said agreements, the statutes above specified, and the laws of the United States applicable thereto.

Schedule.

The lands to be opened for settlement are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands within the Lake Traverse Reservation opened to settlement by proclamation of the President dated April 11, 1892," and which schedule is made a part hereof.

No persons permitted to enter until day of opening.

Warning, moreover, is hereby given that until said lands are opened to settlement as herein provided, all persons, save said Indians, are forbidden to enter upon and occupy the same or any part thereof.

Lands attached to land districts.

And further notice is hereby given that it has been duly ordered that the lands mentioned and included in this Proclamation shall be, and the same are attached to the Fargo and Watertown land districts, in said States, as follows:

Fargo district, N. Dak.

1. All that portion of the Lake Traverse Reservation, commencing at the northwest corner of said reservation; thence south 12 degrees

2 minutes west, following the west boundary of the reservation to the new seventh standard parallel, or boundary line between the States of North and South Dakota; thence east, following the new seventh standard parallel to its intersection with the north boundary of said Indian reservation; thence northwesterly with said boundary to the place of beginning, is attached to the Fargo land district, the office of which is now located at Fargo, North Dakota.

Watertown district, S. Dak.

2. All that portion of the Lake Traverse Reservation, commencing at a point where the new seventh standard parallel intersects the west boundary of said reservation; thence southerly along the west boundary of said reservation to its extreme southern limit; thence northerly along the east boundary of said reservation to Lake Traverse; thence north with said lake to the northeast corner of the Lake Traverse Indian Reservation; thence westerly with the north boundary of said reservation to its intersection with the new seventh standard parallel, or boundary line between the States of North and South Dakota; thence with the new seventh standard parallel to the place of beginning, is attached to the Watertown land district, the office of which is now located at Watertown, South Dakota.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eleventh day of April, in the year of our Lord one thousand eight hundred and ninety-two, and of the Independence of the United States the one hundred and sixteenth.

[SEAL.]

BENJ HARRISON

By the President:
JAMES G. BLAINE
Secretary of State.

Apr. 12, 1892.
27 Stat., 1018.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

Whereas, by a written agreement made on the day of October, eighteen hundred and ninety, the Cheyenne and Arapahoe tribes of Indians ceded, conveyed, transferred, relinquished and surrendered all their claim, title and interest in and to the lands described in article two of said agreement, as follows, to wit:

Cession of lands by Cheyenne and Arapaho Indians.

Vol. 2, p. 931.

Vol. 2, p. 910.

Commencing at a point where the Washita River crosses the ninety-eighth degree of west longitude, as surveyed in the years eighteen hundred and fifty-eight and eighteen hundred and seventy-one; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River); thence up said river, in the middle of the main channel thereof, to the north boundary of the country ceded to the United States by the treaty of June fourteenth, eighteen hundred and sixty-six, with the Creek Nation of Indians; thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March twenty-first, eighteen hundred and sixty-six, with the Seminole Indians, to the one hundredth degree of west longitude; thence south on the line of said one hundredth degree to the point where it strikes the North Fork of the Red River; thence down said North Fork of the Red River to a point where it strikes the north line of the Kiowa and Comanche Reservation; thence east along said boundary to a point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning; and all other lands or tracts of country in the Indian Territory to which they have or may set up or allege any right, title, interest or claim whatsoever: *Provided*, That every member of said tribes shall have an allotment of one hundred and sixty acres of land, as in said agreement provided, to be selected within the tract of country so ceded, except land in any part of said reservation now used or occupied for military, agency, school, school farm, religious, or other public uses, or in sections sixteen or thirty-six in each congressional township; except in cases where any Cheyenne or Arapahoe Indian has heretofore made improvements upon and now uses and occupies a part of said sections sixteen and thirty-six, such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements; and except in that part of the lands by said agreement ceded, now occupied and claimed by the Wichita and affiliated bands of Indians described as follows, to wit:

Lands reserved.

Commencing at a point in the middle of the main channel of the Washita River where the ninety-eighth meridian of west longitude crosses the same, thence up the middle of the main channel of the said river to the line of ninety-eight degrees forty minutes west longitude, thence up said line of ninety-eight degrees forty minutes due north to the middle of the main channel of the main Canadian River, thence down the middle of the main Canadian River to where it crosses the ninety-eighth meridian; thence due south to the place of beginning: *And provided*, That said sections sixteen and thirty-six in each congressional township in said reservation shall not become subject to homestead entry, but shall be held by the United States and finally sold for public school purposes; and that when the allotments of land shall have been selected and taken by the members of the Cheyenne and Arapahoe tribes as aforesaid and approved by the Secretary of the Interior, the title thereto shall be held in trust for the allottees respectively for the period of twenty-five years in the manner and to the extent provided for in the act of Congress approved February eighth, eighteen hundred and eighty-seven (24 Stats., 388),

Ante, p. 22.

and

Whereas, it is provided in the act of Congress accepting, ratifying, and confirming the said agreement with the Cheyenne and Arapahoe Indians, approved March third, eighteen hundred and ninety-one (26 Stats., pp. 989 to 1,044) section sixteen:

Ante, p. 409.

That whenever any of the lands acquired by either of the * * * *foregoing* agreements respecting lands in the Indian or Oklahoma Territory shall by operation of law or proclamation of the President of the United States be open to settlement they shall be disposed of to actual settlers only, under the provisions of the homestead and town-site laws (except section twenty-three hundred and one of the Revised States [Statutes] of the United States, which shall not apply): *Provided, however*, That each settler, on said lands shall before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of one dollar and fifty cents per acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States shall not he abridged except as to the sum to be paid as aforesaid, and all the lands in Oklahoma are hereby declared to be agricultural lands, and proof of their non-mineral character shall not be required as a condition precedent to final entry;

and

Whereas, allotments of land in severalty to said Cheyenne and Arapahoe Indians have been made and approved in accordance with law and the provisions of the before-mentioned agreement with them; and

Whereas, the lands acquired by the said agreement hereinbefore mentioned have been divided into counties by the Secretary of the Interior, as required by said last mentioned act of Congress, before the same shall be opened to settlement, and lands have been reserved for county-seat purposes as therein required, as follows, to wit:

For county C, the south one-half of section nineteen, township sixteen north, range eleven west. For county D, the north one-half of section thirteen, township eighteen north, range seventeen west. For county E, the south one-half of section fifteen, township seventeen north, range twenty-two west. For county F, the south one-half of section eight, township thirteen north, range twenty-three west. For county G, the north one-half of section twenty-five, township thirteen north, range seventeen west. For county H, the south one-half of section thirteen, township nine north, range sixteen west; and

Whereas, it is provided by act of Congress for temporary government of Oklahoma, approved May second, eighteen hundred and ninety, section twenty-three (twenty-six Statutes, page ninety-two)

26 Stat., 92.

and there shall be reserved public highways four rods wide between each section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made, where cash payments are provided for in the amount to be paid for each quarter section of land by reason of such reservation; and

Whereas, all the terms, conditions, and considerations required by said agreement made with said tribes of Indians and by the laws relating thereto, precedent to opening said lands to settlement, have been, as I hereby declare, complied with:

Lands ceded by Cheyenne and Arapaho Indians, Oklahoma, open to settlement Apr. 19, 1892.

Ante, p. 58.

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by the Statutes hereinbefore mentioned, also an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes," approved March third, eighteen hundred and ninety-one, and by other of the laws of the United States, and by said agreement, do hereby declare and make known that all of said lands hereinbefore described, acquired from the Cheyenne and Arapahoe Indians by the agreement aforesaid, saving and excepting the lands allotted to the Indians as in said agreement provided; excepting also the lands hereinbefore described as occupied and claimed by the Wichita and affiliated bands of Indians, or otherwise reserved in pursuance of the provisions of said agreement and the said act of Congress ratifying the same, and other the laws relating thereto, will at the hour of twelve o'clock noon (central standard time) Tuesday, the nineteenth day of the present month of April, and not before, be opened to settlement under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreement, the Statutes above specified, and the laws of the United States applicable thereto.

Schedule.

The lands to be so opened to settlement are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands within the Cheyenne and Arapahoe Indian Reservation, Oklahoma Territory, opened to settlement by proclamation of the President."

Entries.

Each entry shall be in square form as nearly as applicable, and no other lands in the Territory of Oklahoma are opened to settlement under this proclamation, the agreement with the said Cheyenne and Arapahoe Indians, or the act ratifying the same.

No person permitted to enter until day of opening.

Notice, moreover, is hereby given that it is by law enacted that until said lands are opened to settlement by proclamation, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto, and that the officers of the United States will be required to enforce this provision.

Lands attached to land districts.

And further notice is hereby given that it has been duly ordered that the lands mentioned and included in this Proclamation shall be, and the same are attached to the Western land district, office at Kingfisher, and the Oklahoma land district, office at Oklahoma City, in said Territory of Oklahoma, as follows:

Western district, Oklahoma.

1. All of said lands lying north of the township line between townships thirteen and fourteen north, are attached to the Western land district, the office of which is at Kingfisher, in said Territory.

Oklahoma district, Oklahoma.

2. All of said lands lying south of the township line between townships thirteen and fourteen north, are attached to the Oklahoma land district, the office of which is at Oklahoma City, in the said Territory.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twelfth day of April, in the year of our Lord, one thousand eight hundred and ninety-two, and of the Independence of the United States the one hundred and sixteenth.

[SEAL.]

BENJ HARRISON

By the President:
JAMES G. BLAINE
Secretary of State.

October 15, 1892.
27 Stat., 1034.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Agreement with Crow Indians.

Whereas, by a written agreement made on the eighth day of December, eighteen hundred and ninety, the Crow tribe of Indians, in the State of Montana, agreed to dispose of and sell to the United States, for certain considerations in said agreement specified, all that portion of the Crow Indian reservation, in the State of Montana, lying west and south of the following lines, to wit:

> Beginning in the mid-channel of the Yellowstone River, at a point which is the northwest corner of section Number thirty-six, township Number two north, of range twenty-seven east, of the principal meridian of Montana, thence running in a southwesterly direction, following the top of the natural divide between the waters flowing into the Yellowstone and Clarke's Fork Rivers upon the west and those flowing into Pryor Creek and West Pryor Creek on the east, to the base of West Pryor Mountain. Thence due south and up the north slope of said Prior Mountain on a true meridian line to a point fifteen miles due north from the established line between Montana and Wyoming; thence in a due easterly course on a parallel of latitude to a point where it intersects the mid-channel of the Big Horn River, thence following up the mid-channel of said river to a point where it crosses the Montana and Wyoming State line,

And

Whereas it is stipulated in the eleventh clause or section of said agreement that all lands upon that portion of the reservation by said agreement ceded, which, prior to the date thereof, had been allotted in severalty to Indians of the Crow tribe, shall be retained and enjoyed by them; and

Vol. 2, p. 1009.

Ante, p. 201.

Whereas it is provided in the twelfth clause or section of said agreement, that, in accordance with the provisions of article six of the treaty of May seventh, Anno Domini eighteen hundred and sixty-eight, said cession of lands shall not be construed to deprive without his or her consent, any individual Indians of the Crow tribe of his or her right to any tract of land selected by him or her in conformity with said treaty, or as provided by the agreement approved by Congress April eleven, Anno Domini eighteen hundred and eighty-two; and

Whereas it is further provided in said twelfth clause or section, that in ratifying said agreement the Congress of the United States shall cause all such lands to be surveyed and certificates duly issued for the same to said Indians, as provided in the treaty of May seventh, eighteen hundred and sixty-eight, before said ceded portion of the reservation shall be opened for settlement; and

Whereas by the thirteenth clause or section of said agreement of December eighth, eighteen hundred and ninety it is made a condition of said agreement that it shall not be binding upon either party until ratified by the Congress of the United States, and when so ratified that said cession of lands so acquired by the United States shall not be opened for settlement until the boundary lines set forth and described in said agreement have been surveyed and definitely marked by suitable permanent monuments, erected every half mile, wherever practicable, along the entire length of said boundary line; and

Whereas said agreement was duly ratified and confirmed by the thirty-first section of the Act of Congress approved March third, eighteen hundred and ninety-one; and Ante, p. 422.

Whereas, it is provided in section thirty-four of said Act of March third, eighteen hundred and ninety-one; Ante, p. 425.

> That whenever any of the lands acquired by the agreement with said Crow Indians hereby ratified and confirmed shall by operation of law or the proclamation of the President of the United States be open to settlement, they shall, except mineral lands, be disposed of to actual settlers only, under the provisions of the homestead laws, except section twenty-three hundred and one of the Revised Statutes, which shall not apply; *Provided, however*, That each settler, under and in accordance with the provisions of said homestead laws, shall, before receiving a patent for his homestead, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry the sum of one dollar and fifty cents for each acre thereof one-half of which shall be paid within two years; and any person otherwise qualified who has attempted to, but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon any of said lands in conformity with the provisions of this section. That any person who may be entitled to the privilege of selecting land in severalty under the provisions of article six of the treaty of May seventh, eighteen hundred and sixty eight, with the Crow Indians, and which provisions were continued in force by the agreement with said Indians ratified and confirmed by the act of Congress, approved April eleventh, eighteen hundred and eighty-two, or any other act or treaty, shall have the right for a period of sixty days to make such selections in any part of the territory by said agreement ceded, and such locations are hereby confirmed: *Provided, further*, That all white persons who located upon said Crow Reservation by reason of an erroneous survey of the boundary and were afterwards allowed to file upon their location in the United States Land Office, shall have thirty days in which to renew their filings and their locations are hereby confirmed, and that in all cases where claims were located under the mining laws of the United States, and such location was made prior to December first eighteen hundred and ninety, by a locator qualified therefor who believed that he or she was so locating on lands outside the Crow Indian Reservation, such locator shall be allowed thirty days within which to re-locate the said mining claims so theretofore located by them, within the limits of the ceded portion of said Crow Indian Reservation, and upon such re-location such proceedings shall be had as are conformable to law and in accordance with the provisions of this act;

And

Whereas the boundary lines of said ceded lands have been duly surveyed and marked as stipulated in the thirteenth clause or section of said agreement; and

Whereas a written agreement was concluded with said Crow Indians on the twenty-seventh day of August, eighteen hundred and ninety-two, under and by virtue of the following clause in the Indian Appropriation Act of Congress, approved July thirteenth, eighteen hundred and ninety-two, to wit: Ante, p. 448.

> * * To enable the Secretary of the Interior in his discretion, to appoint a commission to negotiate with the Crow Indians of Montana, for a modification of the agreement concluded with said Indians, December twenty-eighth, eighteen hundred and ninety, and ratified by Congress March third, eighteen hundred and ninety-one, and to pay the necessary and actual expenses of said commissioners: *Provided*, That no such modification shall be valid unless assented to by a majority of the male adult members of the Crow tribe of Indians, and be approved by the Secretary of the Interior,

which said agreement was assented to by a majority of the male adult members of the Crow tribe of Indians, as attested by their signatures thereto, and has been duly approved by the Secretary of the Interior; and

Whereas, it is stipulated and agreed in the first clause or section of said agreement of August twenty-seventh, eighteen hundred and ninety-two, that the persons named in a schedule attached to and made a part of said agreement, marked "schedule A" include all the members of said Crow tribe who are entitled to the benefits of the eleventh section of said agreement of December eighth, eighteen hundred and ninety and that each of said persons is entitled to the land therein described as his selection, in full satisfaction of his claim under said section; and that the persons named in a schedule attached to and made a part of said agreement of August twenty-seventh, eighteen hundred and ninety-two, marked "schedule B," include all the members of said tribe who are entitled to the benefits of the twelfth section of said agreement of December eighth, eighteen hundred and ninety, and of the proviso of the thirty-fourth section of the Act of Congress approved March third, eighteen hundred and ninety-one, extending the privilege of making selections on the ceded lands for a period of sixty days, and that each of the said persons therein named is entitled to retain the tract of land theretofore selected by him within the limits of the tract of land therein described as containing his selection of his claim under the said section (or the said proviso): and

Whereas, it is stipulated and agreed by the second clause or section of said agreement of August twenty-seventh, eighteen hundred and ninety-two, that all lands ceded by said agreement may be opened to settlement, upon the approval of the said agreement, by proclamation of the President:

> *Provided*, That all lands within the ceded tract selected or set apart for the use of individual Indians, and described in the aforesaid schedules "A" and "B," shall be exempt from cession and shall remain a part of the Crow Indian Reservation, and shall continue under the exclusive control of the Interior Department until they shall have been surveyed and certificates or patents issued therefor, as provided in the agreement of December eighth, 1890, or until relinquished or surrendered by the Indian or Indians claiming the same. *Provided, further*, that such lands shall be described as set forth in schedules "A" and "B," and shall be exempted from settlement in the proclamation of the President opening the ceded lands, and that where lands so set apart are not described by legal subdivisions then the township or section, or tract of land, within whose limits such Indians selections are located, shall not be opened to settlement until the Indian allotments therein contained shall have been surveyed and proper evidence of title issued therefor.

Crow Indian Reservation, Mont.

Lands ceded open to settlement.

Now, Therefore, I, Benjamin Harrison, President Of The United States, by virtue of the power in me vested by the agreements and statutes hereinbefore mentioned, and by other the laws of the United States do hereby declare and make known that all of the lands within that portion of the Crow Indian Reservation in Montana ceded to the United States by the said agreement of December eighth, eighteen hundred and ninety, and hereinbefore described, except those hereinafter mentioned and described, are open to settlement, under the terms of and subject to all the conditions, limitations, reservations, and restrictions, contained in the thirty-fourth section of the Act of Congress approved March third, eighteen hundred and ninety-one, and hereinbefore quoted, and other laws applicable thereto.

Lands exempted.

The lands exempted from the operation of this proclamation, being those embraced in schedules "A" and "B," attached to the agreement of August twenty-seventh, eighteen hundred and ninety-two, are described as follows:

Surveyed lands.

1. SURVEYED LANDS.

In Township One North, range twenty-six East.

Fractional section twenty-four; the north half; the east half of southeast quarter and west half of southwest quarter of fractional section twenty-five; fractional section twenty-six; Lot five of fractional section thirty-four; the north half of northeast quarter and the northeast quarter of northwest quarter of section thirty-five; and the northeast quarter of northeast quarter of section thirty-six.

In Township one North, range twenty-seven East.

Lands excepted—Continued.

Fractional section seven; lots one, two, three, four, five and six, the southwest quarter of northeast quarter; the southeast quarter and the south half of the southwest quarter of fractional section eight; the south half of northwest quarter of section nine; the north half of the northwest quarter and the southwest quarter of the northwest quarter of section seventeen; fractional section eighteen; the north half and the southwest quarter of section nineteen.

In Township three, south, range twenty-four east.

The north half of the southwest quarter of section three; the southeast quarter of the northeast quarter, and Lots two, three and four of section four; fraction sectional five; the southeast quarter; and the south half of the southwest quarter of section six; section seven; west half of section eight; the east half of the northwest quarter; and the southwest quarter of the northwest quarter of section seventeen; lots one, two, three, four, five and six; the northeast quarter of the northeast quarter; the south half of the northeast quarter; and the southeast quarter of the northwest quarter and the south half of section eighteen; lots one, three, four and five; and the east half of southwest quarter section nineteen; and lots one, two three and four in section thirty.

In Township four south, range twenty-three east.

Lots four, five, six, seven, eight, nine and thirteen, the south half of northwest quarter; the southeast quarter of southeast quarter; and the northeast quarter of the southwest quarter section one; section two; the north half; the southeast quarter and the north half of southwest quarter section three; section four; the east half and the southwest quarter of section eight; the north half; and the southwest quarter of section nine; the east half and the southwest quarter of section eleven; section twelve; the north half; the south half of the southeast quarter; the east half of the southwest quarter; and lots one, two and three of section thirteen; the north half; the southeast quarter and the south half of the southwest quarter of section fourteen; the north half of section seventeen; the north half; the east half of the southeast quarter; and the north half of the southwest quarter of section eighteen; the northwest quarter of section nineteen; the east half and the northwest quarter of section twenty; the south half of the northwest quarter of section twenty-two; all of section twenty-three, except the northwest quarter of northwest quarter; section twenty-four; lots two and three in section twenty-five; the north half of northeast quarter; the northwest quarter; the north half of the southwest quarter; and lots one, two, five, six, seven, and eight of section twenty-six; the south half of the southeast quarter of section twenty-seven; the northwest quarter of section thirty-three; the fractional east half and the southwest quarter of section thirty-four; lots two, three, four, five, six, seven, nine and ten of section thirty-five.

In Township five south of range twenty-three East.

Lot five and southwest quarter of northwest quarter of section two; lots one, two, six, seven, eight, nine, twelve and fourteen and southeast quarter of southeast quarter of section three; the fractional east half; the south half of northwest quarter; and the southwest quarter of section four; the south half of the northeast quarter; and the north half of the southeast quarter of section seven; the south half of the north half and the south half of section eight; lots one, two, three,

Lands excepted—Continued.

four, six, seven and eight; and the west half of section nine; lots one, two, three and four; the west half of the northeast quarter and the south half of section ten; the northwest quarter of section fifteen; section sixteen; the east half of the northeast quarter and the south half of section seventeen; the northwest quarter of the northeast quarter; the southeast quarter of the southeast quarter; the west half and lots one, two, four and five section twenty; the southwest quarter of section twenty-one; the west half of southwest quarter section twenty-six; the south half of section twenty-seven; the west half of the northeast quarter; the northwest quarter and the south half of section twenty-eight; lots one, two, three, four, six and seven; the northwest quarter; the south half of the southeast quarter; and the west half of the southwest quarter of section twenty-nine; the northeast quarter of northeast quarter; the northeast quarter of the southeast quarter and the south half of the southeast quarter of section thirty; the northeast quarter; the northeast quarter of the northwest quarter; and the southeast quarter of section thirty-one; lots three, four, five, six, nine and ten; the southwest quarter of the southeast quarter; and the southwest quarter of section thirty-two; lot one, the north half of the northeast quarter; and the northwest quarter of section thirty-three, and the west half of the northeast quarter and the northwest quarter of section thirty-four.

Unsurveyed lands excepted.

2. UNSURVEYED LANDS WHICH WHEN SURVEYED, WILL BE DESCRIBED AS FOLLOWS:

In Township one North of range fifteen East.

The southwest quarter of the northwest quarter; the northwest quarter of the southwest quarter; and the south half of the southwest quarter of section twenty-seven; the southeast quarter of the northeast quarter; and the east half of the southeast quarter of section twenty-eight; the east half of the northeast quarter of section thirty-three; the north half; the north half of the southeast quarter; and the northeast quarter of the southwest quarter of section thirty-four; the south half of the north half; and the south half of section thirty-five; and the southwest quarter of the northwest quarter; the southeast quarter; the north half of the southwest quarter; and the southwest quarter of the southwest quarter of section thirty-six.

In Township one north, range sixteen East.

The southwest quarter of the southwest quarter of section thirty-one.

In Township one south of range fifteen east.

The north half of the north half; and the southeast quarter of the northeast quarter of section one.

In Township one south of range sixteen east.

The north half of the northeast quarter and the southwest quarter of the northwest quarter of section six; and the southeast quarter of the northeast quarter of section twenty-four.

In Township one south of range eighteen east.

The southeast quarter of the southwest quarter of section twenty-seven; the northwest quarter of the southeast quarter and the south half of the southeast quarter of section twenty-eight; the north half of the northeast quarter of section thirty-three; and the northeast quarter and the east half of the northwest quarter of section thirty-four.

Lands excepted—Continued.

In Township one south of range seventeen east.

The east half of the northeast quarter; the east half of the northwest quarter; the southwest quarter of the northwest quarter; the northwest quarter of the southeast quarter; and the northeast quarter of the southwest quarter of section nineteen; the south half of the southeast quarter and the southeast quarter of the southwest quarter of section twenty-eight; and the north half of the northeast quarter and the northeast quarter of the northwest quarter of section thirty-three.

In Township one south of range twenty-five east.

The northeast quarter of the southeast quarter; the south half of the southeast quarter; and the southeast quarter of the southwest quarter of section twenty-five; and the northeast quarter of the northwest quarter and the west half of section thirty-six.

In Township one south of range twenty-six east.

The south half of the southeast quarter of section nineteen; the southeast quarter; the northeast quarter of the southwest quarter; and the south half of the southwest quarter of section twenty; the west half of the southwest quarter of section twenty-one; the west half of the northwest quarter of section twenty-eight; the north half; and the northwest quarter of the southwest quarter of section twenty-nine; the north half of the northeast quarter; the southeast quarter of the northeast quarter; the southwest quarter of the northwest quarter; the north half of the southeast quarter; and the southwest quarter of section thirty.

In Township two south of range thirteen East.

The southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section twenty-seven; the southeast quarter of the northeast quarter and the east half of the southeast quarter of section twenty-eight; and the east half; the east half of the northwest quarter; the northeast quarter of the southeast quarter and the northeast quarter of the southwest quarter of section thirty-three.

In Township two south of range eighteen east.

The southeast quarter and the east half of the southwest quarter of section one.

In Township two south of range twenty east.

The east half; the east half of the northwest quarter; the southwest quarter of the northwest quarter and the north half of the southwest quarter of section twenty-eight; the northeast quarter; and the north half of the southeast quarter of section twenty-nine; the south half of the northeast quarter; the north half of the southeast quarter; and the southeast quarter of the southeast quarter of section thirty-four; the south half of the north half and the south half of section thirty-five; and the southwest quarter of the northwest quarter; the northwest quarter of the southeast quarter; the south half of the southeast quarter; and the southwest quarter of section thirty-six.

In Township two south of range twenty-one east.

The west half of the northeast quarter; the northwest quarter of the southeast quarter; the east half of the west half; and the southwest quarter of the southwest quarter of section thirty-two.

Lands excepted—Continued.

In Township two south of range twenty-four east.

The northeast quarter of the southeast quarter; and the south half of the southeast quarter of section twenty-one; the northeast quarter; the north half of the southeast quarter; and the southwest quarter of section twenty-two; the west half of the northwest quarter of section twenty-seven; the northeast quarter of section twenty-eight; and the northeast quarter; the southeast quarter of the northwest quarter; the north half of the southeast quarter; and the southwest quarter of section twenty-nine.

In Township three south of range eighteen east.

The west half of section fourteen; the west half of the northeast quarter and the east half of the northwest quarter of section twenty-three; the southwest quarter of the northeast quarter; the southeast quarter of the northwest quarter; the northwest quarter of the southeast quarter; and the northeast quarter of the southwest quarter of section thirty-one; the northeast quarter; the south half of the northwest quarter and the north half of the southwest quarter of section thirty-two; the south half of the northeast quarter and the southeast quarter of section thirty-three; the southwest quarter of the northeast quarter; and the south half of the northwest quarter; the west half of the southeast quarter; and the southwest quarter of section thirty-four; the south half of section thirty-five; and the southeast quarter of the northeast quarter; and the southeast quarter of section thirty-six.

In Township three south of range nineteen east.

The northeast quarter; the north half of the southeast quarter; the southwest quarter of the southeast quarter; and the east half of the southwest quarter of section twelve; the northwest quarter of section twenty-nine; the east half of the northeast quarter; the southwest quarter of the northeast quarter; the southeast quarter of the northwest quarter; and the south half of section thirty; and the southwest quarter of the northwest quarter and the west half of the southwest quarter of section thirty-one.

In Township three south of range twenty east.

The northeast quarter; the north half of the northwest quarter; the southeast quarter of the northwest quarter; and the northeast quarter of the southeast quarter of section one; the north half of the northeast quarter and the northeast quarter of the northwest quarter of section two; the north half of the northwest quarter; the southwest quarter of the northwest quarter; and the west half of the southwest quarter of section 5; the southeast quarter of the northeast quarter; the southeast quarter; and the southeast quarter of the southwest quarter of section six; and the west half of the northeast quarter and the northwest quarter of section seven.

In Township three south of range twenty-one east.

The northwest quarter of the southwest quarter and the south half of the southwest quarter of section five; the east half of the southeast quarter and the west half of section six; the northeast quarter of the northeast quarter of section seven; and the north half of the northwest quarter of section eight.

Lands excepted—Continued.

In Township three south of range twenty-three east.

The southeast quarter of the northeast quarter and the east half of the southeast quarter of section twelve; the east half of section thirteen; the southeast quarter of the southeast quarter of section twenty-three; the southeast quarter of the northeast quarter; the east half of the southeast quarter; and the southwest quarter of the southwest quarter of section twenty-four; the east half of the east half; the west half of the northwest quarter; and the southwest quarter of section twenty-five; the northeast quarter of the southeast quarter and the south half of the southeast quarter of section twenty-six; the south half of the south half of section thirty-four; the northeast quarter; the north half of the southeast quarter; the southwest quarter of the southeast quarter; and the south half of the southwest quarter of section thirty-five; and the northwest quarter of section thirty-six.

In Township four south of range eighteen east.

The northwest quarter of the northeast quarter and the north half of the northwest quarter of section three; the north half of the northeast quarter of section four; the southeast quarter of the southwest quarter of section thirteen; the west half of the northeast quarter; the east half of the northwest quarter; the southeast quarter; and the northeast quarter of the southwest quarter of section twenty-four; the northeast quarter; the north half of the southeast quarter; the southwest quarter of the southeast quarter; and the southwest quarter of section twenty-five; the south half of the southeast quarter of section twenty-nine; the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section thirty-two; the northeast quarter of the northeast quarter; the northwest quarter; the northeast quarter of the southeast quarter; and the south half of the southeast quarter of section thirty-five; and the west half of the northeast quarter; the northwest quarter; and the northwest quarter of the southwest quarter of section thirty-six.

In Township six south of range eighteen east.

The east half of the southeast quarter and the southwest quarter of the southeast quarter of section twenty; and the west half of the northeast quarter; the northeast quarter of the northwest quarter; and the south half of the northwest quarter of section twenty-nine.

In Township six south of range nineteen east.

The northeast quarter; the east half of the northwest quarter; the southwest quarter of the northwest quarter; the north half of the southeast quarter; and the northwest quarter of the southwest quarter of section fifteen; the southeast quarter of the northwest quarter; and the northeast quarter of the southwest quarter of section sixteen; the south half of the northeast quarter and the north half of the southeast quarter of section nineteen; and the south half of the northwest quarter and the north half of the southwest quarter of section 20.

In Township six south of range twenty-three east.

The north half of the northwest quarter and the north half of the southeast quarter of section five; the south half of the southeast quarter of section eight; section seventeen; and the west half of the northwest quarter of section sixteen.

Townships, etc., excepted.

3. TOWNSHIPS, SECTIONS, OR TRACTS OF LAND WITHIN WHICH INDIAN SELECTIONS ARE LOCATED.

Tract 1. Beginning at a point in the mid-channel of the Yellowstone River one and one-half miles below the mouth of the Clark's Fork River; thence running in a southwesterly direction along a line parallel to and one and one-half miles distant from the mid-channel of the Clark's Fork River to the south line of township two south of range twenty-four east; thence west along said township line to the mid-channel of the Clark's Fork River; thence northeast along the mid-channel of the Clark's Fork River to the mid-channel of the Yellowstone River; thence northeast along the mid-channel of said river to the point of beginning.

Tract 2. All that part of township two south of range twenty-four east lying south of the Yellowstone River and west of the Clark's Fork River.

Tract 3. Sections twenty-nine, thirty-one, and thirty-two, township five south of range twenty-one east; sections five, six, seven, eight, seventeen and eighteen, township six south of range twenty-one east; and sections one, two, eleven, twelve, thirteen and fourteen, township six south of range twenty east.

Tract 4. Beginning at a point in the mid-channel of the Yellowstone River opposite the mouth of Duck Creek; thence running in a southwesterly direction along the mid-channel of the Yellowstone River to a point one and one half miles below the mouth of the Clark's Fork River; thence in a southwesterly direction along a line parallel to and one and one half miles distant from the mid-channel of the said Clark's Fork River to a point one and one half miles due south of the mid-channel of the said Yellowstone River; thence running in a northeasterly direction along a line parallel to and one and one half miles distant from the mid-channel of the Yellowstone River to the mid-channel of Duck River; thence in a northerly direction along the mid-channel of Duck Creek to the point of beginning.

Tract 5. All that part of townships two and three south of range twenty-three lying south of the mid-channel of the Yellowstone River and north of a line running parallel thereto and one and one half miles distant therefrom.

Tract 6. Beginning in the mid-channel of the main, or West, Fork of Red Lodge Creek at the point where it intersects the line known as the line of the Blake Survey, and which was formerly supposed to be the south boundary of the Crow Indian Reserve; thence running due east along the lines of said Blake Survey for a distance of one mile; thence running northeasterly along a line parallel to and one mile from the mid-channel of the said West Fork of said Red Lodge Creek for a distance of ten miles; thence due west to the mid-channel of the said West Fork of said Red Lodge Creek; thence southwesterly along the mid-channel of the said West Fork of said Creek to the place of beginning.

Tract 7. Townships four south of ranges twenty-one and twenty-two east.

Tract 8. All that part of the east half of township one south of range twenty-six east, lying south of the Yellowstone River; and all that part of the west half of township one south of range twenty-seven east, lying south of the Yellowstone River.

Tract 9. Section fourteen, township three south of range nineteen east.

Tract 10. Beginning in the mid-channel of the Main or West Fork of Red Lodge Creek at the point where it intersects the line known as the line of the Blake Survey, and which was formerly supposed to be the south boundary of the Crow Indian Reserve; thence running due east along the line of said Blake survey for a distance of one mile; thence running northeasterly along a line parallel to and one mile from the mid-channel of the said West Fork of said Red Lodge Creek for a distance of ten miles; thence due west to the mid-channel of the said West Fork of said Red Lodge Creek; thence southwesterly along the mid-channel of the said West Fork of said Red Lodge Creek to the place of beginning.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifteenth day of October, in the year of our Lord one thousand eight hundred and ninety-two [SEAL.] and of the Independence of the United States the one hundred and seventeenth.

BENJ HARRISON

By the President:
JOHN W. FOSTER,
Secretary of State.

Aug. 19, 1893.
28 Stat., 1222.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.
Ante, p. 480.

Whereas, pursuant to section ten, of the act of Congress approved March third, eighteen hundred and ninety-three, entitled "An act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June thirtieth, eighteen hundred and ninety-four" the Cherokee Nation of Indians, by a written agreement made on the seventeenth day of May, eighteen hundred and ninety-three, has ratified the agreement for the cession of certain lands, hereinafter described, as amended by said act of March third, eighteen hundred and ninety-three, and thereby ceded, conveyed, transferred, relinquished and surrendered all its title, claim, and interest of every kind and character in and to that part of the Indian Territory bounded on the west by the one hundredth degree (100°) of west longitude; on the north by the State of Kansas; on the east by the ninety-sixth degree (96°) of west longitude; and on the south by the Creek Nation, the Territory of Oklahoma and the Cheyenne and Arapahoe Reservation created or defined by Executive order dated August tenth, eighteen hundred and sixty-nine: *Provided*, That any citizen of the Cherokee Nation, who, prior to the first day of November, eighteen hundred and ninety-one, was a bona fide resident upon and further had, as a farmer and for farming purposes, made permanent and valuable improvements upon any part of the land so ceded and who has not disposed of the same, but desires to occupy the particular lands so improved as a homestead and for farming purposes, shall have the right to select one-eighth of a section of land, to conform however to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements. The wife and children of any such citizen shall have the same right of selection that is above given to the citizen, and they shall have the preference in making selections to take any lands improved by the husband and father that he can not take until all of his improved land shall be taken; and that any citizen of the Cherokee Nation not a resident within the land so ceded, who, prior to the first day of November, eighteen hundred and ninety-one, had for farming purposes made valuable and permanent improvements upon any of the lands so ceded, shall have the right to select one-eighth of a section of land to conform to the United States surveys; such selection to embrace, as far as the

Agreement with Cherokee Indians ceding Cherokee Outlet.

Cherokee Outlet.

above limitation will admit, such improvements; but the allotments so provided for shall not exceed seventy (70) in number, and the land allotted shall not exceed five thousand and six hundred (5,600) acres; and such allotments shall be made and confirmed under such rules and regulations as shall be prescribed by the Secretary of the Interior, and when so made and confirmed shall be conveyed to the allottees respectively by the United States in fee simple, and from the price to be paid to the Cherokee Nation for the cession so made there shall be deducted the sum of one dollar and forty cents ($1.40) for each acre so taken in allotment; and *Provided* That D. W. Bushyhead, having made permanent or valuable improvements prior to the first day of November, eighteen hundred and ninety-one, on the lands so ceded, he may select a quarter section of the lands ceded, whether reserved or otherwise, prior to the opening of said lands to public settlement; but he shall be required to pay for such selection, at the same rate per acre as other settlers, into the Treasury of the United States in such manner as the Secretary of the Interior shall direct; and

Whereas, It is provided in section ten of the aforesaid act of Congress, approved March third, eighteen hundred and ninety-three: That

Said lands, except the portion to be allotted as provided in said agreement, shall, upon the payment of the sum of two hundred and ninety-five thousand seven hundred and thirty-six dollars, herein appropriated, to be immediately paid, become and be taken to be and treated as a part of the public domain. But in any opening of the same to settlement, sections sixteen and thirty-six in each township, whether surveyed or unsurveyed, shall be, and are hereby reserved for the use and benefit of the public schools to be established within the limits of such lands, under such conditions and regulations as may be hereafter enacted by Congress. * * *

Sections thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and the east half of sections seventeen, twenty and twenty-nine, all in township numbered twenty-nine north, of range numbered two east of the Indian Meridian, the same being lands reserved by Executive order dated July twelfth, eighteen hundred and eighty-four, for use of and in connection with the Chilocco Indian Industrial School, in the Indian Territory, shall not be subject to public settlement, but shall until the further action of Congress, continue to be reserved for the purposes for which they were set apart in the said Executive order. And the President of the United States, in any order or proclamation which he shall make for the opening of the lands for settlement, may make such other reservations of lands for public purposes as he may deem wise and desirable.

Ante, p. 542.

The President of the United States is hereby authorized, at any time within six months after the approval of this act and the acceptance of the same by the Cherokee Nation as herein provided, by proclamation, to open to settlement any or all of the lands not allotted or reserved, in the manner provided in section thirteen of the act of Congress approved March second, eighteen hundred and eighty-nine, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes", (Twenty-fifth United States Statutes, page ten hundred and five); and also subject to the provisions of the act of Congress approved May second, eighteen hundred and ninety, entitled "An act to provide a temporary government for the Territory of Oklahoma to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes"; also, subject to the second proviso of section seventeen, the whole of section eighteen of the act of March third, eighteen hundred and ninety-one, entitled "An act making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes"; except as to so much of said acts and sections as may conflict with the provisions of this act. Each settler on the lands so to be opened to settlement as aforesaid shall, before receiving a patent for his homestead, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of two dollars and fifty cents per acre for any land east of ninety-seven and one-half degrees west longitude, the sum of one dollar and a half per acre for any land between ninety-seven and one-half degrees west longitude and ninety-eight and one-half degrees west longitude, and the sum of one dollar per acre for any land west of ninety-eight and one-half degrees west longitude, and shall also pay interest upon the amount so to be paid for said land from the date of entry to the date of final payment therefor at the rate of four per centum per annum.

Ante, p. 340.

Ante, p. 45.

Ante, p. 419.

No person shall be permitted to occupy or enter upon any of the lands herein referred to except in the manner prescribed by the proclamation of the President opening the same to settlement; and any person otherwise occupying or entering upon any of said lands shall forfeit all right to acquire any of said lands. The Secretary of the Interior shall, under the direction of the President, prescribe rules and regulations, not inconsistent with this act, for the occupation and settlement of said lands, to be incorporated in the proclamation of the President, which shall be issued at least twenty days before the time fixed for the opening of said lands;

and

Agreement with Tonkawa Indians.

Whereas, by a written agreement, made on the twenty-first day of October, eighteen hundred and ninety-one, the Tonkawa tribe of Indians, in the Territory of Oklahoma, ceded, conveyed, and forever relinquished to the United States all their right, title, claim and interest of every kind and character, in and to the lands particularly described in Article I of the agreement, *Provided*, That the allotments of land to said Tonkawa tribe of Indians theretofore made, or to be made under said agreement and the provisions of the general allotment act approved February eight, eighteen hundred and eighty-seven and an act amendatory thereof, approved February twenty-eighth, eighteen hundred and ninety-one, shall be confirmed, and *Provided*, That in all cases where the allottee has died since land has been set off and scheduled to such person, the law of descent and partition in force in Oklahoma Territory shall apply thereto, any existing law to the contrary notwithstanding; and

Ante, p. 33.
Ante, p. 57.

Agreement with Pawnee Indians.

Whereas, by a certain other agreement with the Pawnee tribe of Indians, in said Territory, made on the twenty-third day of November, eighteen hundred and ninety-two, said tribe ceded, conveyed, released, relinquished, and surrendered to the United States all its title, claim, and interest, of every kind and character, in and to the lands particularly described in Article I of the agreement, *Provided*, That the allotments made or to be made to said Indians in the manner and subject to the conditions contained in said agreement, shall be confirmed; and

Whereas, it is provided in section thirteen of the act of Congress, accepting, ratifying and confirming said agreements with the Tonkawa Indians and the Pawnee Indians, specified in sections eleven and twelve of the same act, approved March third, eighteen hundred and ninety-three, entitled "An act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes for fiscal year ending June thirtieth, eighteen hundred and ninety-four",

Ante, p. 496.

That the lands acquired by the agreements specified in the two preceding sections are hereby declared to be a part of the public domain. Sections sixteen and thirty-six in each township, whether surveyed or unsurveyed, are hereby reserved from settlement for the use and benefit of public schools, as provided in section ten relating to lands acquired from the Cherokee Nation of Indians. And the lands so acquired by the agreements specified in the two preceding sections not so reserved shall be opened to settlement by proclamation of the President at the same time and in the manner and subject to the same conditions and regulations provided in section ten relating to the opening of the lands acquired from the Cherokee Nation of Indians. And each settler on the lands so to be opened as aforesaid shall, before receiving a patent for his homestead, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of two dollars and fifty cents per acre; and shall also pay interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of four per centum per annum;

and

Whereas, the thirteenth section of the act approved March second, eighteen hundred and eighty-nine, the act approved May second, eighteen hundred and ninety, and the second proviso of section seventeen, and the whole of section eighteen of the act approved March third, eighteen hundred and ninety-one, are referred to in the tenth section of the act approved March third, eighteen hundred and ninety-three, and thereby made applicable in the disposal of the lands in the "Cherokee Outlet" hereinbefore mentioned, the provisions of which acts, so far as they affect the opening to settlement and the disposal of said lands, are more particularly set forth hereinafter in connection with

Ante, p. 340.
Ante, p. 48.
Ante, p. 419.
Ante, p. 488.

the rules and regulations prescribed by the Secretary of the Interior for the occupation and settlement of the lands hereby opened, according to said tenth section; and

Division of lands ceded into counties.

Whereas, the lands acquired by the three several agreements hereinbefore mentioned have been divided into counties by the Secretary of the Interior, as required by said last-mentioned act of Congress, before the same shall be opened to settlement, and lands have been reserved for county-seat purposes to be entered under sections twenty-three hundred and eighty-seven and twenty-three hundred and eighty-eight of the Revised Statutes of the United States as therein required as follows, to wit: R. S., 2387-8.

County K.

For County K, the southeast quarter of section twenty-three and the northeast quarter of section twenty-six, township twenty-eight north, range two east of the Indian Meridian, excepting four acres reserved for the site of a court house to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservation to be additional to the reservations for parks, schools and other public purposes required to be made by section 22, of the act of May 2, 1890. 26 Stat., 92.

County L.

For County L, the southwest quarter of section one, and the southeast quarter of section two, township twenty-five north, range six west of the Indian Meridian, excepting four acres reserved for the site of a court house to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservation to be additional to the reservations for parks, schools and other public purposes required to be made by section 22, of the act of May 2, 1890. 26 Stat., 92.

County M.

For County M, the south half of the north-east quarter and the north half of the southeast quarter of section twenty-three, and the south half of the northwest quarter and the north half of the southwest quarter of section twenty-four, township twenty-seven north, range fourteen west of the Indian Meridian, excepting one acre reserved for Government use for the site of a land-office, and four acres to be reserved for the site of a court house, which tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county seat purposes, hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22, of the act of May 2, 1890. 26 Stat., 92.

County N.

For County N, the south half of section twenty-five, township twenty-three north, range twenty-one west of the Indian Meridian, excepting one acre reserved for Government use for the site of a land-office, and four acres to be reserved for the site of a court-house, which tracts are to be contiguous and to be designated by lot and block upon the official plat or survey of said reservation for county-seat purposes, hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22, of the act of May 2, 1890. 26 Stat., 92.

County O.

For County O, the southeast quarter of section seven, and the southwest quarter of section eight, township twenty-two north, range six west of the Indian Meridian, excepting one acre reserved for Government use for the site of a land-office, and four acres to be reserved for the site of a court house, which tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22 of the act of May 2, 1890. 26 Stat., 92.

County P.

For County P, the northeast quarter of section twenty-two and the northwest quarter of section twenty-three, township twenty-one north, range one west of the Indian Meridian, excepting one acre reserved for Government use for the site of a land-office, and four acres reserved for the site of a court-house, which tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22, of the act of May 2, 1890; and,

26 Stat., 92.

County Q.

For County Q, the southeast quarter of section thirty-one, the west half of the southwest quarter of section thirty-two, township twenty-two north, range five east, lot four of section five, and lot one of section six, township twenty-one north, range five east of the Indian Meridian, excepting four acres reserved for the site of a court-house to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservation to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22, of the act of May 2, 1890.

26 Stat., 92.

Highways.
26 Stat., 93.

Whereas, it is provided by act of Congress for temporary government of Oklahoma, approved May second, eighteen hundred and ninety, section twenty-three (Twenty-six Statutes, page ninety-two) that there shall be reserved public highways four rods wide between each section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made, where cash payments are provided for in the amount to be paid for each quarter section of land by reason of such reservation; and

Whereas, all the terms, conditions, and considerations required by said agreements made with said Nation and tribes of Indians and by the laws relating thereto, precedent to opening said lands to settlement, have been, as I hereby declare, complied with:

Lands ceded by Cherokees, Tonkawas and Pawnees, open to settlement, Sept. 16, 1893.

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by the Statutes hereinbefore mentioned, and by other the laws of the United States, and by said several agreements, do hereby declare and make known that all the lands acquired from the Cherokee Nation of Indians, the Tonkawa tribe of Indians, and the Pawnee tribe of Indians, by the three several agreements aforesaid, will at the hour of twelve o'clock noon (central standard time) on Saturday the sixteenth day of the month of September A. D., eighteen hundred and ninety-three, and not before, be opened to settlement under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreements, the Statutes above specified, the laws of the United States applicable thereto and the conditions prescribed by this Proclamation, saving and excepting lands described and identified as follows, to wit: The lands set apart for the Osage and Kansas Indians, being a tract of country bounded on the north by the State of Kansas, on the east by the ninety-sixth degree of west longitude, on the south and west by the Creek country and the main channel of the Arkansas river; the lands set apart for the Confederated Otoe and Missouria tribes of Indians, described as follows, to wit: township twenty-two north, range one east; township twenty-three north, range one east; township twenty-two north, range two east; township twenty-three north, range two east; township twenty-two north, range three east; and that portion of township twenty-three north, range three east, lying west of the Arkansas river; and the lands set apart for the Ponca tribe of Indians, described as follows, to wit: township twenty-four north, range one east; township twenty-five north, range one east; fractional township twenty-four north, range two east; fractional township twenty-five north, range two east, fractional township twenty-

Lands excepted.

Osage and Kansas Indians.

Confederated Otoe and Missouria Indians.

Ponca Indians.

four north, range three east; fractional township twenty-five north, range three east; fractional township twenty-four north, range four east; fractional township twenty-five north, range four east, the said fractional townships lying on the right bank of the Arkansas river, excepting also the lands allotted to the Indians as in said agreements provided, excepting also the lands reserved by Executive Orders dated April eighteenth, eighteen hundred and eighty-two, and January seventeenth, eighteen hundred and eighty-three (known as Camp Supply Military Reservation), described as follows, to wit: Township twenty-four north, range twenty-two west, the south half of township twenty-five north, range twenty-two west, and the southwest quarter of township twenty-five north, range twenty-one west; excepting also one acre of land in each of the reservations for county-seat purposes, in Counties M, N, O and P, which tracts are hereby reserved for Government use as sites for land offices, and four acres in each reservation for county seat purposes hereinbefore named, which tracts are hereby reserved as sites for court houses, and excepting also the reservations for the use of and in connection with the Chilocco Indian Industrial School, and for county-seat purposes hereinbefore described; excepting also the saline lands covered by three leases made by the Cherokee Nation prior to March 3, 1893, known as the Eastern, Middle and Western Saline reserves, under authority of the act of Congress of August 7, 1882 (22 Stat., 349), said lands being described and identified as follows: the *Eastern Saline Reserve* embracing all of section 6, lots 3 and 4 of section 4, the south half of the northeast quarter, the south half of the northwest quarter, the north half of the southwest quarter and lots 1, 2, 3 and 4 of section 5, and the northeast quarter of the northwest quarter and lots 1 and 2 of section 7, township 25 north, range 9 west; all of sections 6, 7, 8, 17, 18, 19, 20, [illegible] 27, 28, 29, 30, 31, 32 and 33, the southwest quarter, the southwest quarter of the northwest quarter and lots 2, 3, 4, 5, 6 and 7 of section 5, the southwest quarter, the southwest quarter of the northwest quarter, the southwest quarter of the southeast quarter, and lot 1 of section 9, the west half of the southwest quarter of section 15, the west half, the southeast quarter, the west half of the northeast quarter and the southeast quarter of the northeast quarter of section 16, the west half, the west half of the southeast quarter and the southeast quarter of the southeast quarter of section 22, the west half, the west half of the southeast quarter, the northeast quarter of the southeast quarter, and the southwest quarter of the northeast quarter of section 26, the northwest quarter, the north half of the southwest quarter, the west half of the northeast quarter, and the northeast quarter of the northeast quarter of section 34, and the northwest quarter of the northwest quarter of section 35, township 26 north, range 9 west; all of section 31, the southwest quarter of the southeast quarter, the southeast quarter of the southwest quarter and lot 4 of section 30, and lots 3 and 4 of section 32, township 27 north, range 9 west; all of sections 1, 2, 3, 4, 9, 10 and 11, the southeast quarter, the south half of the northeast quarter, the east half of the southwest quarter, the southeast quarter of the northwest quarter and lots 1, 2 and 3 of section 5, the east half, the southwest quarter and the east half of the northwest quarter of section 8, the north half, the north half of the southwest quarter, the southwest quarter of the southwest quarter, and the northwest quarter of the southeast quarter of section 12, the northwest quarter, the northwest quarter of the northeast quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section 14, the north half, the southeast quarter and the north half of the southwest quarter of section 15, and the northeast quarter and the north half of the northwest quarter of section 16, township 25 north, range 10 west; all of sections 1, 2, 3, 10,

Camp Supply.

Land office and court-house sites.

Chilocco Indian School.

Saline reserves. Ante, p. 214.

Eastern Saline Reserve.

11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, the south half of the northeast quarter, the southeast quarter of the northwest quarter, the southeast quarter, the east half of the southwest quarter and lots 1, 2 and 3 of section 4, the east half, the southwest quarter, the east half of the northwest quarter, and the southwest quarter of the northwest quarter of section 9, the southeast quarter of the southeast quarter of section 17, the east half of the northeast quarter and the east half of the southeast quarter of section 20, the southeast quarter and the east half of the northeast quarter of section 29, and the east half and the southeast quarter of the southwest quarter of section 32, of township 26 north, range 10 west; all of sections 22, 26, 27, 34, 35 and 36, the east half of the northeast quarter and the east half of the southeast quarter of section 21, the southwest quarter, the west half of the southeast quarter, the south half of the northwest quarter and lots 1 and 6 of section 23, the southwest quarter, the west half of the southeast quarter, the southeast quarter of the southeast quarter, the south half of the northwest quarter and lot 1 of section 25, the east half of section 28, and the east half and the southeast quarter of the southwest quarter of section 33, township 27 north, range 10 west; the *Middle Saline Reserve* embracing the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter, and lots 2, 3, 4, 5, 6 and 7 of section 6, and the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter and lot 1 of section 7, township 26 north, range 18 west; the southwest quarter of the southeast quarter, the southeast quarter of the southwest quarter and lot 7 of section 6, the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter and lots 1, 2, 3 and 4 of section 7, the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter and lots 1, 2, 3 and 4 of section 18, the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter and lots 1, 2, 3 and 4 of section 19, the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter and lots 1, 2, 3, 4, 6, 7 and 8 of section 30, and the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter and lots 1, 2, 3 and 4 of section 31, township 27 north, range 18 west; all of sections 1 to 6 inclusive, the north half of the north half of sections 8, 9, 10, 11 and 12, and the north half of the northeast quarter, the northeast quarter of the northwest quarter and lot 1 of section 7, township 26 north, range 19 west; all of sections 7 to 36 inclusive, the south half of the south half of sections 1, 2, 3, 4 and 5, and the south half of the southeast quarter, the southeast of the southwest quarter and lot 7 of section 6, township 27 north, range 19 west; all of sections 1 and 2, the south half of the northeast quarter, the southeast quarter, and lots 1 and 2 of section 3, the north half of the northeast quarter of section 10, and the north half of the north half of sections 11 and 12, township 26 north, range 20 west; all of sections 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36, the south half of the southeast quarter and lot 7 of section 1, the southwest quarter of the southwest quarter and lot 6 of section 2, the south half of the southeast quarter of section 3, and the east half of sections 10, 15, 22, 27 and 34, township 27 north, range 20 west: and the *Western Saline Reserve* embracing all of sections 18, 19, 30 and 31, township 29 north, range 20 west; and all of sections 13, 14, 23, 24, 25, 26, 35 and 36, township 29 north, range 21 west; excepting also that section 13, in each township which has not been otherwise

Middle Saline Reserve.

Western Saline Reserve.

Agricultural, etc., colleges.

Public buildings.

School lands.

reserved or disposed of, is hereby reserved for university, agricultural college, and normal school purposes, subject to the action of Congress; excepting also that section 33 in each township which has not been otherwise reserved or disposed of, is hereby reserved for public buildings; excepting also sections sixteen and thirty-six in each township which are reserved by law for the use and benefit of the public schools; excepting, also, all selections and allotments made under the law and the agreements herein referred to, the lands covered by said selections and allotments to be particularly described and identified; said descriptions to be furnished by the Commissioner of the General Land Office, and posted in the several booths hereinafter referred to as those where certain preliminary declarations are to be made prior to the day named in this proclamation as that when the strip will be open to settlement.

Regulations for opening.

Said lands so to be opened as herein proclaimed, shall be entered upon and occupied only in the manner and under the provisions following, to wit:

A strip of land, one hundred feet in width, around and immediately within the outer-boundaries of the entire tract of country, to be opened to settlement under this proclamation, is hereby temporarily set apart for the following purposes and uses, viz:

Said strip, the inner-boundary of which shall be one hundred feet from the exterior boundary of the country known as the Cherokee Outlet, shall be open to occupancy in advance of the day and hour named for the opening of said country, by persons expecting and intending to make settlement pursuant to this proclamation. Such occupancy shall not be regarded as trespass, or in violation of this proclamation, or of the law under which it is made; nor shall any settlement rights be gained thereby.

Booths for registration.

The Commissioner of the General Land Office shall, under the direction of the Secretary of the Interior, establish on said one hundred foot strip booths, to be located as follows: one in Tp. 29 N., R. 2 E.; one in Tp. 29 N., R. 2 W.; one in Tp. 29 N., R. 4 W.; one in Tp. 29 N., R. 8 W.; one in Tp. 29 N., R. 12 W.; one in Tp. 20 N., R. 3 E.; one in Tp. 20 N., R. 2 W.; one in Tp. 20 N., R. 7 W.; and one in Tp. 20 N., R. 26 W., and shall place in charge thereof three officers to each booth, who shall be detailed from the General Land Office. Said booths shall be open for the transaction of business on and after Monday the eleventh day of the month of September, A. D., eighteen hundred and ninety-three, from 7 a. m. to 12 m. and 1 p. m. to 6 p. m., each business day, until the same shall be discontinued by the Secretary of the Interior, who is hereby authorized to discontinue the same at his discretion.

Declaration for homestead entry.

Each party desiring to enter upon and occupy as a homestead any of the lands hereby opened to settlement will be required to first appear at one of the before-mentioned booths and make a declaration in writing to be signed by the party in the presence of one of the officers in charge thereof, which shall be certified by such officer, according to the form hereto attached and made a part hereof (marked A), showing his or her qualifications to make homestead entry for said lands, whereupon a certificate will be issued by the officers in charge of the booth to the party making the declaration which shall be of the form hereto attached and made a part hereof (marked D).

Soldier's entry.

Declarations by agent.

Where a party desires to file a soldier's declaratory statement in person he will be required to make a declaration which shall be of the form hereto attached and made a part hereof (marked B), the same to be made and subscribed before one of the officers in charge of the booth and certified by such officer, independently of the affidavit (form 4–546) to be filed when he presents the certificate of form D, there given him, to the district officers. Where a party desires to file a declaratory statement through an agent, it will be necessary for him previously to make the affidavit ordinarily required (form 4–545) before some officer authorized to administer oaths, and place the same in the hands of the agent, who, before being permitted to enter upon the lands to be opened in said "Outlet" for the purpose of making the desired filing, will be required to appear before the officers in charge of some one of the booths, to present the said affidavit of the party authorizing him to act as such agent, and to make a declaration in writing to be subscribed by him in the presence of one of such officers, which shall be certified by such officer, according to the form hereto attached and made a part hereof (marked C), whereupon a certificate of form D will be given him by said officer. The agent should be provided with affidavits of form 4–545 made in duplicate—one for presentation to the officers in charge of the booth, and the other for presentation to the district officers, when formal filing is to be made.

Declaration for town-lot entry.

Each party desiring to enter upon said lands for the purpose of settling upon a town lot, will be required to first appear at one of the before-mentioned booths, and make a declaration in writing to be signed by the party in the presence of one of the officers in charge thereof, which shall be certified by such officer, according to the form hereto attached and made a part hereof (marked E), whereupon a certificate will be issued by the officers in charge of the booth to the party making the declaration which shall be of the form hereto attached and made a part hereof (marked F).

Record, etc., of declaration.

The said declarations made before the officers in charge shall be given consecutive numbers beginning at number one at each booth and the certificate issued to the party making the declaration shall be given the same number as is given the declaration. The declaration shall be carefully preserved by the officers in charge of the booths, and when the booths are discontinued said declarations shall be transmitted, together with the duplicate affidavits, form 4–545, hereinbefore required to be presented in case of agents proposing to act for soldiers in filing declaratory statements, to the General Land Office for filing as a part of the records pertaining to the disposal of said lands.

Certificates.

The certificate will be evidence only that the party named therein is permitted to go in upon the lands opened to settlement by this proclamation at the time specified herein and the certificate of form D must be surrendered when application to enter or file is presented to the district officers and the party's right to make a filing, homestead entry or settlement shall be passed upon by the district land officers at the proper time and in the usual manner. The holder of such certificate will be required when he makes his homestead affidavit, or, if a soldier or soldier's agent, when he files a declaratory statement at the district office, to allege under oath before the officers taking such homestead affidavit, or to whom said declaratory statement is presented for filing, that all the statements contained in the declaration made by him, upon which said certificate is based, are true in every particular, such oath to be added to affidavit of form 4–102, as shown on form hereto attached, and made a part hereof, (marked 102 d).

Holders of certificates only permitted to enter.

After the hour and day hereinbefore named when said lands will be opened to settlement, all parties holding such certificates (form D or F), will be permitted to occupy or enter upon the land so opened, and parties holding a certificate of form D may initiate a homestead claim, either by settlement upon the land or by entry or filing at the proper district office; but no person not holding any such certificate shall be permitted to occupy or enter upon any of said lands until after the booths shall have been discontinued by direction of the Secretary of the Interior. Until then, the officers of the United States are expressly charged to permit no party without a certificate to occupy or enter upon any of said lands.

Regulations for occupation, etc.
Ante, p. 469.

The following rules and regulations have been prescribed by the Secretary of the Interior under the direction of the President as provided by section ten of said act of March third, eighteen hundred and ninety-three, for the occupation and settlement of the lands hereby opened, to wit:

Ante, p. 340. Ante, p. 45. Ante, p. 419.

The thirteenth section of the act approved March second, eighteen hundred and eighty-nine, the act approved May second eighteen hundred and ninety, the second proviso of section seventeen, and the whole of section eighteen of the act approved March third, eighteen hundred and ninety-one, are by section ten of the act of March third, eighteen hundred and ninety-three, made applicable in disposing of the lands under said section ten, and said lands are thereby rendered subject to disposal under the homestead and town site laws only, with certain modifications, which laws, as so modified, contain provisions, substantially as follows:

Homestead entries.

R. S., 2301.

1. Any party will be entitled to initate a homestead claim to a tract of said lands, who is over twenty-one years of age or the head of a family; who is a citizen of the United States, or has declared his intention to become such; who has not exhausted his homestead right either by perfecting a homestead entry for one hundred and sixty acres of land under any law, excepting what is known as the commuted provision of the homestead law, contained in section two thousand three hundred and one of the United States Revised Statutes, or by making or commuting a homestead entry since March second, eighteen hundred and eighty-nine; who has not entered, since August thirty, eighteen hundred and ninety, under the land laws of the United States, or filed upon, a quantity of land, agricultural in character, and not mineral, which with the tracts sought to be entered in any case, would make more than three hundred and twenty acres; who is not the owner in fee simple of one hundred and sixty acres of land in any State or Territory; and who has not entered upon or occupied the lands hereby opened in violation of this the President's proclamation opening the same to settlement and entry. (See section 2289 U. S. R. S.; act of March 2, 1889, 25 Stat., 854; section 13 of the act of March 2, 1889, 25 Stat., 1005; act of August 30, 1890, 26 Stat., 391; section 20, act of May 2, 1890, 26 Stat., 91; and section 10, act of March 3, 1893, 27 Stat., 640).

Form and limit.

2. Each entry shall be in a compact body, according to the rectangular subdivisions of the public surveys, and in a square form, as nearly as reasonably practicable, consistently with such surveys, and no person shall be permitted to enter more than one quarter section in quantity of said lands. (See section 13, act of March 2, 1889, 25 Stat., 1005).

Additional entries.

3. Parties who own and reside upon land (not acquired by them under the homestead law), not amounting in quantity to a quarter section, may, if otherwise qualified, enter other land lying contiguous to their own to an amount which shall not, with the land already owned by them, exceed in the aggregate 160 acres. (See section 2289, U. S. R. S.).

Ante, p. 328.

4. Any party, who has made a homestead entry prior to March second, eighteen hundred and eighty-nine, for less than one quarter section of land and who still owns and occupies the land so entered, may, if otherwise qualified, enter an additional tract of land lying contiguous to the land embraced in the original entry, which shall not, with the land first entered, exceed in the aggregate one hundred and sixty acres, but such additional entry will not be permitted, or if permitted will be canceled, if the original entry should fail, for any reason prior to patent, or should appear to be illegal or fraudulent. The final proof of residence and cultivation made on the original entry, together with the payment of the prescribed price for the land, will be sufficient to entitle the party to a final certificate for the land so entered without further proof. (See section 5 of the act of March 2, 1889, 25 Stat., 854).

5. Parties who have complied with the conditions of the law with regard to a homestead entry for less than one hundred and sixty acres of land made prior to March second, eighteen hundred and eighty-nine, and have had the final papers issued therefor, may, if otherwise qualified, make an additional entry, by legal subdivisions, of so much land as, added to the quantity previously so entered, shall not exceed one hundred and sixty acres. Parties making entry under the provisions set forth in this paragraph will be required to reside upon and cultivate the land embraced therein for the prescribed period and to submit proof of residence and cultivation of a like character with that required in ordinary homestead entries before the issuance of a final certificate. (See section 6, act of March 2, 1889, 25 Stat., 854).

Soldiers' entries.

6. Any officer, soldier, seaman or marine who served for not less than ninety days in the Army or Navy of the United States during the War of the Rebellion and who was honorably discharged and has remained loyal to the Government, or, in case of his death, his widow, or in case of her death or remarriage, his minor orphan children, by a guardian duly appointed and officially accredited at the Deparment of the Interior, may either in person, or by agent, file a declaratory statement for a tract of land and have six months thereafter within which to make actual entry and commence residence and improvements upon the land. (See sections 2304, 2307, and 2309 U. S. R. S.).

7. Every person entitled under the preceding paragraph to enter a homestead, who, or whose deceased husband or father in case of the widow or minor children, may have, prior to June twenty-second, eighteen hundred and seventy-four, entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, may, if otherwise qualified, enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres, but the party must make affidavit that the entry is made for actual settlement and cultivation, and the proof of such settlement and cultivation, prescribed by existing homestead laws and regulations thereunder, will be required to be produced before the issue of final certificate. (See section 2306 U. S. R. S., and section 18 of the act of May 2, 1890, 26 Stat., 90).

Initiation of claims

8. Parties may initiate claims under the homestead law either by settlement on the land or by entry at the district office; in the former case, the party will have three months after settlement within which to file his application for the tract at the district office; in the latter case, the party will have six months after entry at that office, within which to establish residence and begin improvements upon the land. (See sections 2290 and 2297, U. S. R. S.; and section 3, of the act of May 14, 1880, 21 Stat., 140).

Execution of homestead affidavits.

9. The homestead affidavits required to be filed with the application must be executed before the register or receiver of the proper district land office (see section 2290, U. S. R. S.), or before any other officer who may be found duly qualified at the time to administer such oaths according to the provisions of the act of Congress of May 26, 1890, 26 Stat., 121.

Fees.

10. Parties applying to make homestead entry will be required to tender with the application the legal fee and commissions which are as follows: for an entry of over eighty acres a fee of ten dollars, and for an entry of eighty acres or less a fee of five dollars, and, in both cases, in addition, commissions, of two per cent upon the Government price of the land, computed at the rate of $1.25 per acre, the ordinary minimum price of public lands under the general provisions of section 2357, U. S. R. S. (See sections 2238 and 2290 U. S. R. S.)

Receiving applications.

11. Homestead applicants appearing in great number at the local office to make entry at the time of opening will be required to form in

line in order that their applications may be presented and acted upon in regular order.

Soldiers' applications.

12. Soldiers' declaratory statements can only be made by the parties entitled or by their agents in person, and will not be received if sent by mail. A party acting as agent and appearing in line, as contemplated under the eleventh paragraph, will be allowed to make one entry or filing in his individual character, if he so desires, and to file one declaratory statement in his representative character as agent, if such he shall be, and thereupon he will be required to step out of line, giving place to the next person in order, and, if he desires to make any other filings, to take his place at the end of the line and await his proper turn before doing so, and thus to proceed in order until all the filings desired by him shall be made.

Commutation not permitted.
R. S., 2301.

13. Section two thousand three hundred and one of the Revised Statutes of the United States providing for commutation of homestead entries is not applicable to said lands. (See section 18 of the act of May 2, 1890, 26 Stat., 90).

Final proof.

14. Proof of five years' residence, cultivation, and improvement, and the payment prescribed by the statute, as hereinbefore mentioned must be made, before a party will be entitled to a patent under the homestead law, and such proof is required to be made within seven years from the date of the entry. Commissions equal to two per cent, upon the Government price for the land, computed at $1.25 per acre under sections 2357 U. S. R. S., must also be tendered with the final proof. Interest at four per cent. per annum on the purchase price of the land must be paid from the date of the entry to date of final payment of purchase money. (See sections 2238 and 2291 U. S. R. S.,; and sections 10 and 13 of the act of March 3, 1893, 27 Stats. 640).

Deductions for Army or Navy service.

15. The parties named in paragraph six of these regulations are entitled to have the term of service in the Army or Navy, under which the claim is made, not exceeding four years, deducted from the period of five years' residence or cultivation required as stated in the preceding paragraph, or if the party was discharged from service on account of wounds or disabilities incurred in the line of duty, the whole term of enlistment not exceeding four years, may be deducted. (See section 2305, U. S. R. S.).

Provisions on death of settler.

16. Where a homestead settler dies before the consummation of his claim, the widow, or, in case of her death, the heirs or devisee may continue settlement or cultivation, and obtain title upon requisite proof at the proper time. If the widow proves up, title will pass to her; if she dies before proving up and the heirs or devisee make the proof, the title will vest in them respectively. (See section 2291 U. S. R. S.).

17. Where both parents die, leaving infant children, the homestead may be sold for cash for the benefit of such children, and the purchaser will receive title from the United States. (See section 2292, U. S. R. S.).

18. In case of the death of a person after having entered a homestead, the failure of the widow, children, or devisee of the deceased to fulfill the demands of the letter of the law as to residence on the lands, will not necessarily subject the entry to forfeiture on the ground of abandonment. If the land is cultivated in good faith the law will be considered as having been substantially complied with.

Town sites

19. Town site claims may be initiated upon said lands, under the statutes, by two methods, which are separate and distinct in character—the regulations under the first method are hereinafter set forth in paragraphs twenty, twenty-one and twenty-two, and under the second method in paragraphs twenty-three to twenty-eight, inclusive. Provision is further made for town-site entries in cases where lands entered under the homestead law are required for town-site purposes as set forth in paragraph thirty.

Filing plat.

20. Parties having founded or who desire to found a city or town on the public lands, must file with the recorder of the county in which land is situate a plat thereof, describing the exterior boundaries of the land according to the lines of public surveys. Such plat must state the name of the city or town, exhibit the streets, squares, blocks, lots and alleys, and specify the size of the same, with measurements and area of each municipal subdivision, the lots in which shall not exceed 4,200 square feet, with a statement of the extent and general character of the improvements. The plat and statement must be verified by the oath of the party acting for and in behalf of the occupants and inhabitants of the town or city. Within one month after filing the plat with the recorder of the county a verified copy of said plat and statement must be sent to the General Land Office, accompanied by the testimony of two witnesses that such town or city has been established in good faith, and a similar map and statement must be filed with the Register and receiver of the proper district office. Thereafter the President may cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder subject to a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. Any actual settler upon any lot and upon any additional lot upon which he may have substantial improvements, shall be entitled to prove up and purchase the same as a pre-emption, at such minimum, at any time before the day fixed for the public sale. (See section 2282 U. S. R. S.)

Sale of lots on failure to file plat.

21. In case the parties interested shall fail or refuse, within twelve months after founding a city or town, to file in the General Land Office a transcript map, with the statement and testimony, as required in paragraph twenty, the Secretary of the Interior may cause a survey and plat to be made of said city or town, and thereafter the lots will be sold at an increase of fifty per cent, on the minimum price of $10 per lot. (See section 2384 U. S. R. S.).

22. When lots vary in size from the limitation of 4200 square feet, and the lots, buildings, and improvements cover an area greater than 640 acres, such variance as to size of lots or excess in area will prove no bar to entry, but the price of the lots may be increased to such reasonable amount as the Secretary of the Interior may by rule establish. (See section 2385 U. S. R. S.).

Entries.

23. Under the second method lands actually settled upon and occupied as a townsite, and therefore not subject to entry under the homestead laws, may be entered as a townsite, at the proper district land office. (See section 2387 U. S. R. S.)

24. If the town is incorporated, the entry may be made by the corporate authorities thereof through the mayor or other principal officer duly authorized so to do. If the town is not incorporated, the entry may be made by the judge of the county court for the county in which said town is situated. In either case the entry must be made in trust for the use and benefit of the occupants thereof, according to their respective interests. The execution of such trust as to the disposal of lots and the proceeds of sales is to be conducted under regulations prescribed by the territorial laws. Acts of trustees not in accordance with such regulations are void. (See sections 2387 and 2391 U. S. R. S.)

25. The officer authorized to enter a town-site may make entry at once, or he may initiate an entry by filing a declaratory statement of the purpose of the inhabitants to make a town-site entry of the land described. The entry or declaratory statement shall include only such

and as is actually occupied by the town, and the title to which is in the United States, and its exterior limits must conform to the legal subdivisions of the public lands. (See sections 2388 and 2389 U. S. R. S.)

Limitation. 26. The amount of land that may be entered under this method is proportionate to the number of inhabitants. One hundred and less than two hundred inhabitants may enter not to exceed 320 acres; two hundred and less than one thousand inhabitants may enter not to exceed 640 acres; and where the inhabitants number one thousand and over, an amount not to exceed 1280 acres may be entered; and for each additional one thousand inhabitants, not to exceed five thousand in all, a further amount of 320 acres may be allowed. When the number of inhabitants of a town is less than one hundred, the town-site shall be restricted to the land actually occupied for town purposes by legal subdivisions. (See section 2389 U. S. R. S.)

27. Where an entry is made of less than the maximum quantity of land allowed for town-site purposes, additional entries may be made of contiguous tracts occupied for town purposes, which, when added to the previous entry or entries, will not exceed 2,560 acres; but no additional entry can be allowed which will make the total area exceed the area to which the town may be entitled by virtue of its population at date of additional entry. (See sec. 4 of the act of March 3, 1877, 19 Stat., 392.)

Payment and proof. 28. The land must be paid for at the Government price per acre, and proof must be furnished relating—1st. To municipal occupation of the land; 2d, Number of inhabitants; 3d, Extent and value of town improvements; 4th, Date when land was first used for town-site purposes; 5th, Official character and authority of officer making entry; 6th, If an incorporated town, proof of incorporation, which should be a certified copy of the act of incorporation; and 7th, That a majority of the occupants or owners of the lots within the town desire that such action be taken. Thirty days' publication of notice of intention to make proof must be made and proof of publication furnished. (See section 2387 U. S. R. S.)

Surveys. 29. All surveys for town-sites on said lands shall contain reservations for parks (of substantially equal area if more than one park) and for schools and other public purposes embracing in the aggregate not less than ten nor more than twenty acres, and patents for such reservations, to be maintained for such purposes, will be issued to the towns respectively when organized as municipalities. (See section 22, act of May 2, 1890, 26 Stat., 92.)

Conflict between town-site and homestead entries. 30. In case any of said lands which may be entered under the homestead laws by a person who is entitled to perfect his title thereto under such laws, are required for town-site purposes, the entryman may apply to the Secretary of the Interior to purchase the lands embraced in said homestead, or any part thereof not less than a legal subdivision for town-site purposes. The party must file, in the district office with his application, a plat of the proposed town-site, and evidence of his qualifications to perfect title under the homestead law, and of his compliance with all the requirements of the law and the instructions thereunder, and must deposit with the Secretary of the Interior the sum of ten dollars per acre for all the lands embraced in such town-site, except the lands to be donated and maintained for public purposes as mentioned in the preceding paragraph. (See section 22, act of May 2, 1890, 26 Stat., 92.)

Entry to be only in manner prescribed. Notice, moreover, is hereby given that it is by law enacted that no person shall be permitted to occupy or enter upon any of the lands herein referred to, except in the manner prescribed by this proclamation; and any person otherwise occupying or entering upon any of said lands shall forfeit all right to acquire any of said lands, and that the officers of the United States will be required to enforce this provision.

Land districts established.

And further notice is hereby given that four land districts have been established in Oklahoma Territory with boundaries as follows:

Perry district.

The Perry district bounded and described as follows: Beginning at the middle of the main channel of the Arkansas river, where the same is intersected by the northern boundary of Oklahoma Territory; thence west to the northwest corner of township 29 north, range 2 west of the Indian Meridian; thence south on the range line between ranges 2 and 3 west to the southwest corner of lot 3 of section 31, township 20 north, range 2 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 4 east; thence south on the range line between ranges 4 and 5 east to the middle of the main channel of the Cimarron river; thence down said river in the middle of the main channel thereof to the western boundary of the Creek Country; thence north to the northwest corner of the Creek Country; thence east on the northern boundary of said Creek Country to the middle of the main channel of the Arkansas river; thence up said river in the middle of the main channel thereof to the place of beginning; the local land office of which will be located at the town of Perry in County P.

Office.

Enid district.

The Enid district bounded and described as follows: Beginning at the northeast corner of township 29 north range 3 west of the Indian Meridian; thence west to the northwest corner of township 29 north, range 8 west; thence south on the range line between ranges 8 and 9 west to the southwest corner of lot 3 of section 31, township 20 north, range 8 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 3 west; thence north on the range line between ranges 2 and 3 west to the place of beginning; the local land office of which will be located at the town of Enid in County O.

Office.

Alva district.

The Alva district, bounded and described as follows: Beginning at the northeast corner of township 29 north, range 9 west of the Indian Meridian; thence west to the northwest corner of township 29 north, range 16 west; thence south on the range line between ranges 16 and 17 west to the southwest corner of lot 3 of section 31, township 20 north, range 16 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 9 west; thence north on the range line between ranges 8 and 9 west to the place of beginning; the local land office of which will be located at the town of Alva in County M.

Office.

Woodward district.

The Woodward land district bounded and described as follows: Beginning at the northeast corner of township 29 north, range 17 west of the Indian Meridian; thence west to the northwest corner of township 29 north, range 26 west; thence south to the southwest corner of lot 3 of section 32, township 20 north, range 26 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 17 west; thence north on the range line between ranges 16 and 17 west to the place of beginning; the local land office of which will be located at the town of Woodward in County N.

Office.

Establishment of meridians.

And further notice is hereby given that the line of ninety-seven and one-half degrees west longitude, named herein, for the purpose of disposing of the land hereby opened to settlement, is held to fall on the west line of sections two, eleven, fourteen, twenty-three, twenty-six, and thirty-five of the townships in range three west of the Indian Meridian, and the line of ninety-eight and one-half degrees of west longitude is held to fall on the line running due north and south through the centres of sections four, nine, sixteen, twenty-one, twenty-eight and thirty-three of the townships in range twelve west of the Indian Meridian, and said lines have been so laid down upon the township plats on file in the General Land Office.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this nineteenth day of August in the year of our Lord, one thousand eight hundred and ninety-three and of the Independence of the United States the one hundred and eighteenth.

[SEAL.]

GROVER CLEVELAND.

By the President:

W. Q. GRESHAM,

Secretary of State.

Forms.

(A.)

DECLARATION

Declaration for homestead entry.

Required by President's proclamation of August 19, 1893, preparatory to occupying or entering upon the lands of the Cherokee Outlet, for the purpose of making a homestead entry.

No. ——.

BOOTH IN T. —— N., R. ——,

——, *1893.*

I, ——— of ———, being desirous of occupying or entering upon the lands opened to settlement by the President's proclamation of August 19, 1893, for the purpose of making a homestead entry, do solemnly declare that I am over twenty-one years of age or the head of a family; that I am a citizen of the United States (or have declared my intention to become such); that I have not perfected a homestead entry for 160 acres of land under any law except what is known as the commuted provision of the homestead law contained in Sec. 2301, R. S., nor have I made or commuted a homestead entry since March 2, 1889; ——— that I have not entered since August 30, 1890, under the land laws of the United States or filed upon a quantity of land agricultural in character and not mineral, which, with the tracts now desired would make more than 320 acres; that I am not the owner in fee simple of 160 acres of land in any State or Territory; that I have not entered upon or occupied, nor will I enter upon or occupy, the lands to be opened to settlement by the President's proclamation of August 19, 1893, in violation of the requirements of said proclamation, that I desire to make entry for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land I may select; that I am not acting as agent of any person, corporation, or syndicate, in entering upon said lands, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land I may enter, or any part thereof, or the timber thereon; that I do not apply to enter upon said lands for the purpose of speculation, but in good faith, to obtain a home for myself, and that I have not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person or persons, corporation or syndicate whatsoever, by which the title which I may acquire from the Government of the United States should inure in whole or in part to the benefit to any person except myself.

——— ———.

I certify that the foregoing declaration was made and subscribed before me this ——— day of ———, 1893.

——— ———,

Officer in charge.

NOTE.—If the party has made a homestead entry since March 2, 1889, but has failed or is unable to perfect title to the land covered thereby because of a valid adverse claim, or other invalidity existing at the date of its inception, strike out the words "made or" and insert in the blank space *that I have made a homestead entry since March 2, 1889, but have failed or am unable to perfect title to the land covered thereby because of a valid adverse claim or other invalidity existing at the date of its inception.*

(B.)

DECLARATION

Declaration for soldier's entry.

Required by President's proclamation of August 19, 1893, preparatory to occupying or entering upon the lands of the "Cherokee Outlet" for the purpose of filing a soldier's declaratory statement in person.

No.——.

BOOTH IN T. ——— N., R. ———,
———, *1893.*

I, ———, of ——— County, and State or Territory of ———, do solemnly declare that I served for the period of ——— in the Army of the United States during the war of the rebellion, and was honorably discharged therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; that I have not perfected a homestead entry for 160 acres of land under any law except what is known as the commuted provision of the homestead law contained in Sec. 2301, R. S., nor have I filed a declaratory statement under sections 2304 and 2309 of the Revised Statutes, or made or commuted a homestead entry since March 2, 1889; ——— that I have not entered since August 30, 1890, under the land laws of the United States, or filed upon, a quantity of land agricultural in character, and not mineral, which, with the tracts now desired, would make more than 320 acres; that I am not the owner in fee simple of 160 acres of land in any State or Territory; that I have not entered upon or occupied, nor will I enter upon or occupy, the lands to be opened to settlement by the President's proclamation of August 19, 1893, in violation of said proclamation; that I intend to file a soldier's declaratory statement upon said lands, which location will be made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not, either directly or indirectly, for the use and benefit of any other person.

——— ———.

I certify that the foregoing declaration was made and subscribed before me this ——— day of ———, 1893.

——— ———,
Officer in Charge.

NOTE.—If the party has made an entry or filing since March 2, 1889, to which he is unable to perfect title because of a valid adverse claim, or other invalidity existing at the date of its inception, strike out the words "filed a declaratory statement under sections 2304 and 2309 of the Revised Statutes, or made or" and insert in the blank space *that I have made an entry or filing since March 2, 1889, but have failed or am unable to perfect title to the land covered thereby because of a valid adverse claim or other invalidity existing at the date of its inception.*

(C.)

DECLARATION

Declaration for soldier's entry by agent.

Required by President's proclamation of August 19, 1893, preparatory to entering upon the lands of the "Cherokee Outlet" for the purpose of filing a soldier's declaratory statement as agent.

No.——.

BOOTH IN T. ——— N., R. ———,
———, 1893.

I, ———, of ———, desiring to enter upon the "Cherokee Outlet" for the purpose of filing a soldier's declaratory statement under sections 2304 and 2309, U. S. R. S., as agent of ———, do hereby declare that I have no interest or authority in the matter, present or prospective, beyond the filing of such declaratory statement as the true and lawful attorney of the said ——— as provided by said sections 2304 and 2309.

——— ———.

I certify that the foregoing declaration was made and subscribed before me this ——— day of ———, 1893.

——— ———,
Officer in Charge.

(D.)

CERTIFICATE

Certificate permitting holder to make entry.

That must be held by party desiring to occupy or to enter upon the lands opened to settlement by the President's proclamation of August 19, 1893, for the purpose of making a homestead entry or filing a soldier's declaratory statement.

No.——.

BOOTH IN T. ——— N., R. ———,
———, *1893.*

This certifies that ——— has this day made the declaration before me required by the President's proclamation of August 19, 1893, and he is, therefore, permitted to go in upon the lands opened to settlement by said proclamation at the time named therein, for the purpose of making a homestead entry or filing a soldier's declaratory statement.

It is agreed and understood that this certificate will not prevent the district land officers from passing upon the holder's qualifications to enter or file for any of said lands at the proper time and in the usual manner, and that the holder will be required when he makes his homestead affidavit, or, if a soldier or a soldier's agent, when he files a declaratory statement at the district office, to allege under oath before the officer taking such homestead affidavit, or to whom said declaratory statement is presented for filing, that all of the statements contained in the declaration made by him, upon which this certificate is based are true in every particular.

—— ——,
Officer in Charge.

This certificate is not transferable. The holder will display the certificate, if demanded, after locating on claim.

E.

DECLARATION

Declaration for townsite entry.

Required by President's proclamation of August 19, 1893, preparatory to occupying or entering upon the lands of the Cherokee Outlet for the purpose of settling upon a town lot.

No. ——.

BOOTH IN T. —— N., R. ——,
——, *1893.*

I, ——, of ——, being desirous of occupying or entering upon lands opened to settlement by the President's proclamation of August 19, 1893, do solemnly declare that I have not entered upon or occupied, nor will I enter upon or occupy, any of the lands to be opened to settlement by the President's proclamation of August 19, 1893, in violation of the requirements of said proclamation, and that I desire to go in upon said lands for the purpose of settling upon a town lot.

—— ——.

I certify that the foregoing declaration was made and subscribed before me this —— day of ——, 1893.

—— ——,
Officer in Charge.

F.

CERTIFICATE.

Certificate permitting holder to settle on a town lot.

That must be held by party desiring to occupy or enter upon the lands opened to settlement by the President's proclamation of August 19, 1893, for the purpose of settling upon a town lot.

No. ——.

BOOTH IN T. —— N., R. ——,
——, *1893.*

This certifies that —— has this day made the declaration before me required by the President's proclamation of August 19, 1893, and he is, therefore, permitted to go in upon the lands opened to settlement by said proclamation at the time named therein for the purpose of settling upon a town lot.

—— ——,
Officer in Charge.

This certificate is not transferable. The holder will display the certificate, if demanded, after locating on claim.

(4-102*d*.)

AFFIDAVIT.

LAND OFFICE AT ——,
——, *1893.*

Affidavit that applicant did not enter upon land before time of opening.

I, ——, of ——, applying to enter (or file for) a homestead, do solemnly swear that I did not enter upon and occupy any portion of the lands described and declared open to entry in the President's proclamation dated August 19, 1893, prior to 12 o'clock, noon, of September 16, 1893; also that all of the statements contained in a certain declaration made by me as foundation for obtaining permission to enter upon the Cherokee Outlet in pursuance of requirements of the President's proclamation opening said outlet to settlement are true in every particular.

—— ——.

Sworn to and subscribed before me this —— day of ——, 189—.

—— ——.

NOTE.—This affidavit must be made before the register or receiver of the proper district land office or before some officer authorized to administer oaths and using a seal.

No. 1.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

May 16, 1895.

29 Stat., 865.

Preamble.

27 Stat., 120.

Vol. 2, p. 776.

Whereas, pursuant to section one, of the Act of Congress, approved July thirteenth, eighteen hundred and ninety-two, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June thirtieth, eighteen hundred and ninety-three, and for other purposes", certain articles of agreement were made and concluded at the Yankton Indian Agency, South Dakota, on the thirty-first day of December, eighteen hundred and ninety-two, by and between the United States of America and the Yankton tribe of Sioux or Dacotah Indians upon the Yankton reservation, whereby the said Yankton tribe of Sioux or Dacotah Indians, for the consideration therein mentioned, ceded, sold, relinquished, and conveyed to the United States, all their claim, right, title and interest in and to all the unallotted lands within the limits of the reservation set apart to said tribe by the first article of the treaty of April nineteenth, eighteen hundred and fifty-eight, between said tribe and the United States; and

Ante, p. 525.

Whereas, it is further stipulated and agreed by article eight that such part of the surplus lands by said agreement ceded and sold to the United States as may be occupied by the United States for agency, schools and other purposes, shall be reserved from sale to settlers until they are no longer required for such purposes, but all of the other lands so ceded and sold shall, immediately after the ratification of the agreement by Congress, be offered for sale through the proper land office, to be disposed of under the existing land laws of the United States, to actual and bona fide settlers only; and

Religious, etc., organizations.

Whereas, it is also stipulated and agreed by article ten that any religious society, or other organization, shall have the right for two years from the date of the ratification of the said agreement, within which to purchase the lands occupied by it under proper authority for religious or educational work among the Indians, at a valuation fixed by the Secretary of the Interior, which shall not be less than the average price paid to the Indians for the surplus lands; and

Ante, p. 523.

Whereas, it is provided in the act of Congress accepting, ratifying and confirming the said agreement approved August 15, 1894, section 12 (Pamphlet Statutes 53d Congress, 2d session, pages 314 to 319),

Disposal of lands.

> That the lands by said agreement ceded, to the United States shall, upon proclamation by the President, be opened to settlement, and shall be subject to disposal only under the homestead and town-site laws of the United States, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common school purposes and be subject to the laws of the State of South Dakota: *Provided*, That each settler on said lands shall, in addition to the fees provided by law, pay to the United States for the land so taken by him the sum of three dollars and seventy-five cents per acre, of which sum he shall pay fifty cents at the time of making his original entry and the balance before making final proof and receiving a certificate of final entry; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged except as to the sum to be paid as aforesaid.
>
> That the Secretary of the Interior, upon proper plats and description being furnished, is hereby authorized to issue patents to Charles Picotte and Felix Brunot, and W. T. Selwyn, United States interpreters, for not to exceed one acre of land each, so as to embrace their houses near the agency buildings upon said reservation, but not to embrace any buildings owned by the government, upon the payment by each of said persons of the sum of three dollars and seventy-five cents.
>
> That every person who shall sell or give away any intoxicating liquors or other intoxicants upon any of the lands by said agreement ceded, or upon any of the lands

included in the Yankton Sioux Indian Reservation as created by the treaty of April nineteenth, eighteen hundred and fifty-eight, shall be punishable by imprisonment for not more than two years and by a fine of not more than three hundred dollars.

and;

Whereas, all the terms, conditions and considerations required by said agreement made with said tribes of Indians and by the laws relating thereto, precedent to opening said lands to settlement, have been, as I hereby declare, complied with:

Lands ceded by Yankton tribe of Sioux Indians open to settlement May 21, 1895.

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by the Statutes hereinbefore mentioned, do hereby declare and make known that all of the lands acquired from the Yankton tribe of Sioux or Dacotah Indians by the said agreement, saving and excepting the lands reserved in pursuance of the provisions of said agreement and the act of Congress ratifying the same, will, at and after the hour of twelve o'clock, noon (central standard time), on the twenty first day of May, 1895 and not before, be open to settlement, under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreement, the statutes hereinbefore specified and the laws of the United States applicable thereto.

Schedule.

The lands to be so opened to settlement are for greater convenience, particularly described in the accompanying schedule, entitled "Schedule of Lands within the Yankton Reservation, South Dakota, to be opened to settlement by Proclamation of the President", and which schedule is made a part hereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 16th day of May, in the year of our Lord, one thousand eight hundred and ninety-five, and of the Independence of the United States, the one hundred and nineteenth.

[SEAL.]

GROVER CLEVELAND

By the President,
EDWIN F. UHL
Acting Secretary of State.

May 16, 1895.
29 Stat., 866.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.
27 Stat., 120.

Whereas, pursuant to section one, of the act of Congress approved July thirteenth, eighteen hundred and ninety-two, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June thirtieth, eighteen hundred and ninety-three, and for other purposes", certain articles of cession and agreement were made and concluded at the Siletz Agency, Oregon, on the thirty-first day of October, eighteen hundred and ninety-two, by and between the United States of America and the Alsea and other Indians on Siletz Reservation in Oregon, whereby said Alsea and other Indians, for the consideration therein mentioned, ceded and conveyed to the United States all their claim, right, title and interest in and to all the unallotted lands within the limits of said reservation, except the five sections described in article four of the agreement, viz: section nine, township nine south, range eleven west of the Willamette Meridian, and the west half of the west half of section five, and the east half of section six, and the east half of the west half of section six, township ten south, range ten west, and the south half of section eight, and the north half of section seventeen, and section sixteen, township nine south, range nine west, and the east half of the northeast quarter, and Lot three, section twenty, and south half, and south half of north half of section twenty-one, township eight, range ten west; and whereas it is further stipulated and agreed by article six that any religious society or other organization shall have the right for two years from the date of the ratification of this agreement within which to purchase the lands occupied by it, with proper authority, for religious or educational work among the Indians, at the rate of $2.50 per acre, the same to be conveyed to such society or organization by patent; and whereas it is provided in the *act of Congress*, accepting, ratifying and confirming said agreement, approved August fifteenth, eighteen hundred and ninety-four, (Pamphlet Stats. pp. 286 to 338), section fifteen, that

Religious, etc., organizations.

Disposal of lands ceded.
Ante p. 338.

> The mineral lands shall be disposed of under the laws applicable thereto, and the balance of the land so ceded shall be disposed of until further provided by law under the town-site law and under the provisions of the homestead law: *Provided, however*, That each settler, under and in accordance with the provisions of said homestead laws shall, at the time of making his original entry, pay the sum of fifty cents per acre in addition to the fees now required by law, and at the time of making final proof shall pay the further sum of one dollar per acre, final proof to be made within five years from the date of entry, and three years' actual residence on the land shall be established by such evidence as is now required in homestead proofs as a prerequisite to title or patent,

and,
Whereas it is provided,

> That immediately after the passage of this Act the Secretary of the Interior shall under such regulations as he may prescribe, open said lands to settlement after proclamation by the President and sixty days' notice;

and
Whereas all the terms, conditions and considerations required by said agreement made with said tribe of Indians hereinbefore mentioned, and the laws relating thereto, precedent to opening said lands to settlement have been, as I hereby declare, provided for, paid and complied with:

Lands ceded by Alsea, etc., Indians on Siletz Reservation, Oreg., open to settlement July 25, 1895.

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by the statutes hereinbefore mentioned, and by said agreement, do hereby declare and make known that all of the lands acquired from the Alsea and other Indians, by said agreement, will, at and after the hour of twelve o'clock, noon (Pacific standard time), on the Twenty fifth day of July 1895 and not before, be opened to settlement, under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreement, the statutes above specified and the laws of the United States applicable thereto.

Schedule.

The lands to be so opened to settlement are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands within the Siletz Indian Reservation, in Oregon, opened to settlement by proclamation of the President, dated May 16th 1895", and which schedule is made a part hereof.

Persons warned not to enter on lands before time of opening.

Warning is hereby given that no person entering upon and occupying said lands before said hour of twelve o'clock, noon, of the 25th day of July 1895, hereinbefore fixed, will ever be permitted to enter any of said lands or acquire any right thereto, and that the officers of the United States will be required to strictly enforce this provision, which is authorized by the act of August 15, 1894, hereinbefore mentioned.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this Sixteenth day of May in the year of our Lord one thousand, eight hundred and ninety-five, and of the Independence of the United States the one hundred and nineteenth.

[SEAL.]

GROVER CLEVELAND

By the President,
EDWIN F. UHL
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

May 18, 1895.

29 Stat., 868.

A PROCLAMATION.

Preamble.

Whereas, by a written agreement, made on the ninth day of September, eighteen hundred and ninety-one, the Kickapoo Nation of Indians, in the Territory of Oklahoma, ceded, conveyed, transferred, and relinquished, forever and absolutely, without any reservation whatever, all their claim, title, and interest of every kind and character in and to the lands particularly described in Article I of the agreement, *Provided*, that in said tract of country there shall be allotted to each and every member, native and adopted, of said Kickapoo tribe of Indians, 80 acres of land, in the manner and under the conditions stated in said agreement; and that when the allotments of lands shall have been made and approved by the Secretary of the Interior the title thereto shall be held in trust for the allottees respectively for the period of twenty-five years in the manner and to the extent provided for in the act of Congress approved February eighth, eighteen hundred and eighty-seven (24 Stats., 388); and

Ante, p. 33.

Religious, etc., organizations.

Whereas, it is further stipulated and agreed by Article 6 of the agreement that wherever, in this reservation, any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians the land so occupied may be allotted and confirmed to such society or organization, not, however, to exceed one hundred and sixty acres of land to any one society or organization, so long as the same shall be so occupied and used, and such land shall not be subject to homestead entry; and

Disposal of lands. Ante, p. 480.

Whereas, it is provided in the act of Congress accepting, ratifying, and confirming the said agreement with the Kickapoo Indians, approved March third, eighteen hundred and ninety-three (27 Stats., pp. 557 to 563) section three:

> That whenever any of the lands, acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement or entry, they shall be disposed of (except sections sixteen and thirty-six in each township thereof) to actual settlers only, under the provisions of the homestead and townsite laws (except section twenty-three hundred and one of the Revised Statutes of the United States, which shall not apply): *Provided, however*, That each settler on said lands shall, before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of one dollar and fifty cents an acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States shall not be abridged, except as to the sum to be paid as aforesaid. Until said lands are opened to settlement by proclamation of the President of the United States, no person shall be permitted to enter upon or occupy any of said lands; and any person violating this provision shall never be permitted to make entry of any of said lands or acquire any title thereto: *Provided*, That any person having attempted to, but for any cause failed to acquire a title in fee under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make homestead entry upon said lands;

And

Allotments. Ante, p. 485.

Whereas, allotments of land in severalty to said Kickapoo Indians have been made and approved in accordance with law and the provisions of the before-mentioned agreement with them; and

Highways. 26 Stat., 92.

Whereas, it is provided by the act of Congress for the temporary government of Oklahoma, approved May second, eighteen hundred and ninety, section twenty-three (26 Stats., 92), that there shall be reserved public highways four rods wide between each section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made where cash payments are provided for in the amount to be paid for each quarter section of land by reason of such reservation; and

Adjoining entries. Ante, p. 510.

Whereas, it is provided in the act of Congress approved February tenth, eighteen hundred and ninety-four, (28 Stats., p. 37):

> That every homestead settler on the public lands on the left bank of the Deep Fork River in the former Iowa Reservation, in the Territory of Oklahoma, who entered less than one hundred and sixty acres of land, may enter, under the homestead laws, other lands adjoining the land embraced in his original entry when such additional lands become subject to entry, which additional entry shall not, with the lands originally entered, exceed in the aggregate, one hundred and sixty acres: *Provided*, That where such adjoining entry is made residence shall not be required upon the lands so entered, but the residence and cultivation by the settler upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon the land embraced in his additional entry; but such lands so entered shall be paid for, conformable to the terms of the Act acquiring the same and opening it to homestead entry;

and

School lands, etc. 28 Stat., 899.

Whereas, it is further provided in the act of Congress approved March 2, 1895, (28 Stats. p. 899).

> That any State or Territory entitled to indemnity school lands or entitled to select lands for educational purposes under existing law may select such lands within the boundaries of any Indian reservation in such State or Territory from the surplus lands thereof, purchased by the United States after allotments have been made to the Indians of such reservation, and prior to the opening of such reservation to settlement.

And:

Whereas, all the terms, conditions, and considerations required by said agreement made with said tribes of Indians and by the laws relating thereto, precedent to opening said lands to settlement, have been, as I hereby declare, complied with:

Lands ceded by Kickapoo Indians, Oklahoma, open to settlement May 23, 1895.

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by the Statutes hereinbefore mentioned, and by other the laws of the United States, and by the said agreement, do hereby declare and make known that all of said lands hereinbefore described, acquired from the Kickapoo Indians by the agreement aforesaid, will, at and after the hour of twelve o'clock, noon (central standard time), Thursday, the twenty-third day of the month of May, A. D., eighteen hundred and ninety-five, and not before, be open to settlement under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in the said agreement, the statutes above specified, and the laws of the United States applicable thereto, saving and excepting such tracts as have been allotted, reserved or selected under the laws herein referred to, and such tracts as may be properly selected by the Territory of Oklahoma under and in accordance with the provisions of the act of March second eighteen hundred and ninety-five, hereinbefore quoted, prior to the time herein fixed for the opening of said lands to settlement.

Schedule.

The lands to be so opened to settlement are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands within the Kickapoo Reservation, Oklahoma Territory, to be opened to settlement by proclamation of the President," but notice is hereby given that should any of the lands described in the accompanying schedule be properly selected by the Territory of Oklahoma under and in accordance with the provisions of said act of Congress approved March second, eighteen hundred and ninety-five, prior to the time herein fixed for the opening of said lands to settlement such tracts will not be subject to settlement or entry.

Entry on lands before day of opening prohibited.

Notice, moreover, is hereby given that it is by law enacted that until said lands are opened to settlement by proclamation, no person shall be permitted to enter upon or occupy the same; and any person violating this provision shall never be permitted to make entry of any of said lands or acquire any title thereto. The officers of the United States will be required to enforce this provision.

Land districts designated.

And further notice is hereby given that all of said lands lying north of the township line between townships thirteen and fourteen north, are now attached to the Eastern Land District, the office of which is at Guthrie, Oklahoma Territory; and all of said lands lying south of the township line between townships thirteen and fourteen north are now attached to the Oklahoma land district, the office of which is at Oklahoma, Oklahoma Territory.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 18th day of May, in the year of our Lord, one thousand eight hundred and ninety-five, and [SEAL.] of the Independence of the United States the one hundred and nineteenth.

GROVER CLEVELAND

By the President:
EDWIN F. UHL
Acting Secretary of State.

Nov. 8, 1895.
29 Stat., 873.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.
Nez Perce Reservation, Idaho.
Ante, p. 32.

Whereas, pursuant to section five, of the act of Congress approved February 8, 1887, (24 Stats., 388), entitled "An act to provide for the allotment of lands in severalty to the Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes", certain articles of cession and agreement were made and concluded at the Nez Perce Agency, Idaho, on the first day of May, eighteen hundred and ninety-three, by and between the United States of America and the Nez Perce Indians, whereby said Indians, for the consideration therein mentioned, ceded and conveyed to the United States all their claim, right, title and interest to all the unallotted lands set apart as a home for their use and occupation by the second article of the treaty between said Indians and the United States, concluded June ninth, eighteen hundred and sixty-three (14 Stats., 647), and included in the following boundaries, to wit:

Lands ceded.
Vol. 2, p. 843.

Commencing at the N. E. corner of Lake Wa-ha, and running thence, northerly, to a point on the north bank of the Clearwater river, three miles below the mouth of the Lapwai, thence down the north bank of the Clearwater to the mouth of the Hatwai creek; thence due north to a point seven miles distant; thence eastwardly, to a point on the north fork of the Clearwater, seven miles distant from its mouth; thence to a point on Oro Fino Creek, 5 miles above its mouth; thence to a point on the north fork of the south fork of the Clearwater, one mile above the bridge, on the road leading to Elk City, (so as to include all the Indian farms now within the forks;) thence in a straight line, westwardly to the place of beginning,

saving and excepting the sixteenth and thirty-sixth sections of each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho, and excepting the tracts described in articles one and two of the agreement, viz:

Lands retained.
Ante, p. 536.

The said Nez Perce Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of said reservation, saving and excepting the following described tracts of lands, which are hereby retained by the said Indians, viz:

In township thirty-four, range four west: Northeast quarter, north half and southeast of northwest quarter, northeast quarter of southwest quarter, north half and east half of southwest quarter, and the southeast quarter of southeast quarter, section thirteen, four hundred and forty acres.

In township thirty-four, range three west: Sections ten, fifteen, thirty-six, one thousand nine hundred and twenty acres.

In township thirty-three, range three west: Section one; northwest quarter of northeast quarter, north half of northwest quarter section twelve, seven hundred and sixty acres.

In township thirty-five, range two west: South half of northeast quarter, northwest quarter, north half and southeast quarter of southwest quarter, southeast quarter section three; east half, east half of northwest quarter, southwest quarter section ten, section eleven; north half, north half of south half, section twenty-one; east half of northeast quarter, section twenty; sections twenty-two, twenty-seven, thirty-five, four thousand two hundred acres.

In township thirty-four, range two west: North half, southwest quarter, north half and southwest quarter and west half of southeast quarter of southeast quarter, section thirteen; section fourteen; north half section twenty-three, west half of east half and west half of northeast quarter, northwest quarter, north half of southwest quarter, west half of east half and northwest quarter and east half of southwest quarter of southeast quarter, section twenty-four; section twenty-nine, two thousand seven hundred acres.

In township thirty-three, range two west: West half and southeast quarter section six; section sixteen, twenty-two, twenty-seven; north half and north half of south half section thirty-four, two thousand eight hundred and eighty acres.

In township thirty-four, range one west: West half section two; sections three, four; north half and southwest quarter section eight; north half section nine; north half and north half of southwest quarter section eighteen; northwest quarter section seventeen, two thousand nine hundred and sixty acres.

In township thirty-seven, range one east: Section twenty; section twenty-one, less south half of south half of southwest quarter of southeast quarter (ten acres), one thousand two hundred and seventy acres.

In township thirty-six, range one east: South half of sections three, four; sections eleven, twelve, one thousand nine hundred and twenty acres.

In township thirty-six, range two east: Sections sixteen, seventeen, eighteen, twenty; all of section twenty-five west of boundary line of reservation; sections twenty-six, twenty-seven, four thousand two hundred and forty acres.

In township thirty-five, range two east: North half of sections sixteen, seventeen, section twenty-seven; north half of section thirty-four, one thousand six hundred acres.

In township thirty-four, range two east: East half and east half of west half of southeast quarter section twenty-four, one hundred acres.

In township thirty-four, range three east: South half of sections nineteen, twenty; north half; north half of south half; southwest quarter and north half of southeast quarter of southwest quarter; north half of south half of southeast quarter section twenty-three; north half; north half and north half of southwest quarter and southeast quarter of southwest quarter; southeast quarter section twenty-four; north half and southeast quarter of northeast quarter; north half of northwest quarter section twenty-five; south half of northeast quarter of northeast quarter section twenty-six; section twenty-nine; northeast quarter of northeast quarter and south half section thirty; northwest quarter and north half of southwest quarter section thirty-one; northeast quarter; north half and southeast quarter of northwest quarter section thirty-two; northwest quarter; north half of southwest quarter, section thirty-three, three thousand seven hundred acres.

In township thirty-three, range four east: South half of southeast quarter section eighteen; northeast quarter and fraction northeast of river in east half of northwest quarter section nineteen; fraction west of boundary line of reservation, in section twenty-two; west half and southeast quarter of section thirty-five, one thousand four hundred and forty acres.

In township thirty-two, range four east: Fraction in west half of northeast quarter of southwest quarter; fraction in northwest quarter of southeast quarter section one; section two; south half of section six; west half and southeast quarter of northeast quarter of section nine, one thousand four hundred and ten acres.

In township thirty-one, range four east: South half of northeast quarter; southeast quarter of northwest quarter; northeast quarter of southwest quarter; southeast quarter section seventeen; northwest quarter section twenty-one, four hundred and eighty acres. Total, thirty-two thousand and twenty acres.

ARTICLE II.

It is also stipulated and agreed that the place known as "the boom" on the Clearwater River, near the mouth of Lapwai Creek, shall be excepted from this cession and reserved for the common use of the tribe, with full right of access thereto, and that the tract of land adjoining said boom, now occupied by James Moses, shall be allotted to him in such manner as not to interfere with such right. Also that there shall be reserved from said cession the land described as follows: "Commencing at a point at the margin of Clearwater River, on the south side thereof, which is three hundred yards below where the middle thread of Lapwai Creek empties into said river; run thence up the margin of said Clearwater River at low-water mark, nine hundred yards to a point; run thence south two hundred and fifty yards to a point; thence southwesterly, in a line to the southeast corner of a stone building, partly

> finished as a church; thence west three hundred yards to a point; thence from said point northerly in a straight line to the point of beginning; and also the adjoining tract of land lying southerly of said tract, on the south end thereof; commencing at the said corner of said church, and at the point three hundred yards west thereof, and run a line from each of said points. One of said lines running on the east side and the other on the west of said Lapwai Creek; along the foothills of each side of said creek; up the same sufficiently far so that a line being drawn east and west to intersect the aforesaid lines shall embrace within its boundaries, together with the first above described tract of land, a sufficient quantity of land as to include and comprise six hundred and forty acres:

and excepting the land embraced in the William Craig donation claim, in Township 35 North, range 3 west. (See case of Caldwell v. Robinson, Federal Reporter, Vol. 59, p. 653); and

Religious, etc., organizations.

Whereas it is further stipulated and agreed by article six of the agreement that any religious society or other organization now occupying under proper authority, for religious or educational work among the Indians, any of the lands ceded, shall have the right for two years from the date of the ratification of this agreement, within which to purchase the land so occupied, at the rate of three dollars per acre, the same to be conveyed to such society or organization by patent, in the usual form; and

Intoxicants.
Ante, p. 540.

Whereas, it is further agreed by article nine of the agreement that the lands by this agreement ceded, those retained, and those allotted to the said Nez Perce Indians shall be subject, for a period of twenty-five years, to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Nez Perce Indian allottees, whether under the care of an Indian agent or not, shall, for a like period, be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians; and

Opening lands to settlement.

Whereas, it is provided in the act of Congress, accepting, ratifying, and confirming said agreement, approved August fifteenth, eighteen hundred and ninety-four (28 Stats., pp. 286 to 338), section 16:

Ante, p. 541.

> That immediately after the issuance and receipt by the Indians of trust patents for the allotted lands, as provided for in said agreement, the lands so ceded, sold, relinquished, and conveyed to the United States shall be opened to settlement by proclamation of the President, and shall be subject to disposal only under the homestead, town-site, stone and timber, and mining laws of the United States, excepting the sixteenth and thirty-sixth sections in each congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That each settler on said lands shall, before making final proof and receiving a certificate of entry, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of three dollars and seventy-five cents per acre for agricultural lands, one-half of which shall be paid within three years from the date of original entry; and the sum of five dollars per acre for stone, timber, and mineral lands, subject to the regulations prescribed by existing laws; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged except as to the sum to be paid as aforesaid;

and

Whereas all the terms, conditions, and considerations required by said agreement made with said tribe of Indians hereinbefore mentioned, and the laws relating thereto, precedent to opening said lands to settlement have been, as I hereby declare, provided for, paid and complied with:

Lands ceded by Nez Percé Indians, Idaho, open to settlement, November 18, 1895.

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by the statutes hereinbefore mentioned, and by said agreement, do hereby declare and make known that all of the unallotted and unreserved lands acquired from the Nez Perce Indians, by said agreement, will, at and after the hour of 12 o'clock, noon, (Pacific Standard time) on the 18th day of November 1895 and not before, be opened to settlement under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreement, the statutes above specified and the laws of the United States applicable thereto.

Schedule.

The lands to be so opened to settlement are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of Lands within the Nez Perce Indian Reservation, Idaho, to be opened to settlement by Proclamation of the President", and which schedule is made a part hereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 8th day of November in the year of our Lord, one thousand eight hundred and ninety-five, and of the Independence of the United States the one hundred and twentieth.

[SEAL.]

GROVER CLEVELAND

By the President:
RICHARD OLNEY
Secretary of State.

Mar. 16, 1896.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Ante, p. [illegible].

Whereas, in a suit between the United States and the State of Texas, involving the title to, and jurisdiction over, all that territory lying between the North and South forks of the Red River, and the one hundredth degree of longitude, known and styled as "Greer County, Texas," the Supreme Court of the United States has decided that the title to, and jurisdiction over, said territory is vested in the United States; and,

Whereas, The Choctaw Nation claims that the title to these lands passed to said Nation by virtue of treaties with the United States, and that the title of said Nation to said lands has not been extinguished, but that said Choctaw Nation has a right and interest therein; and

Whereas, it is claimed that divers persons settled upon said lands prior to the thirtieth day of December, eighteen hundred and eighty-seven, acting in good faith, upon the belief that the same belonged to and were subject to the jurisdiction of the State of Texas, and that Congress will be asked to extend to all such settlers suitable relief;

Greer County, Okla.

Lands withdrawn from entry.

Persons warned not to enter on lands.

Now, Therefore, I, Grover Cleveland, President of the United States, by virtue of the authority in me vested, not admitting in any wise the validity of such claim on behalf of the Choctaw Nation, but for the purpose of preserving the status of said lands intact until such time as said claim of the Choctaw Nation thereto may be duly determined, and that the settlers hereinbefore referred to shall not be disturbed until Congress shall have fully considered their claims for relief, do hereby withdraw said lands from disposition under the public land laws of the United States, and declare the same to be in a state of reservation, until such time as this order of withdrawal may be revoked; and I do further warn and admonish all persons against entering upon said lands with a view to occupying the same, or settling thereon under the public land laws, during the existence of this order.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this Sixteenth day of March in the year of our Lord one thousand eight hundred and ninety-six, and of the Independence of the United States the one hundred and twentieth.

[SEAL.]

GROVER CLEVELAND

By the President,
RICHARD OLNEY
Secretary of State.

July 27, 1898.

30 Stat., 1779.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Ante, p. 214.

Whereas, in the opening of the Cherokee Outlet, pursuant to section ten, of the Act of Congress, approved March third, eighteen hundred and ninety three, the lands known as the Eastern, Middle and Western Saline Reserves, were excepted from settlement in view of three leases made by the Cherokee Nation prior to March third, eighteen hundred and ninety three, under authority of the Act of Congress, approved August seventh, eighteen hundred and eighty-two;

And whereas, it appears that said leases were never approved as provided by law;

Cherokee Outlet.

Restoration to public domain of certain saline reserves.

Ante, p. 972.

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by section ten of said act of March third, eighteen hundred and ninety-three, do hereby declare and make known that all the lands in said saline reserves, as described in a Proclamation dated August nineteenth, eighteen hundred and ninety-three, are hereby restored to the public domain and will be disposed of under the laws of the United States relating to public lands in said Cherokee Outlet, subject to the policy of the Government in disposing of saline lands.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-seventh day of July, in the year of our Lord, one thousand, eight hundred and ninety-eight, and of the Independence of the United States the one hundred and twenty-third.

[SEAL.]

WILLIAM MCKINLEY.

By the President:

WILLIAM R. DAY,

Secretary of State.

April 13, 1899.

31 Stat., 1947.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Southern Ute Indian Reservation, Colorado.

Preamble.

Ante, p. 556.

Whereas, by the provisions of an act approved February 20, 1895, entitled "An act to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified and to settle all those not electing to take lands in severalty, on the west forty miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June fifteenth, eighteen hundred and eighty," the agreement made by the commissioners on the part of the United States with the Southern Ute Indians of Colorado bearing date November thirteenth, eighteen hundred and eighty-eight, was annulled and the treaty made with said Indians June fifteenth, eighteen hundred and eighty, was directed to be carried out as therein provided and as further provided by general law for settling Indians in severalty; and

Whereas, it was further provided by said act that within six months after the passage thereof, the Secretary of the Interior should cause allotment of land, in severalty, to be made to such of the Southern Ute Indians in Colorado, as might elect and be considered by him qualified to take the same out of the agricultural lands embraced in their present reservation in Colorado such allotments to be made in accordance with the provisions of the act of Congress approved June

Ante, p. 180.

fifteenth, eighteen hundred and eighty, entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State and for other purposes, and to make the necessary appropriations for carrying out the same," and the amendments thereto, as far as applicable, and the treaties theretofore made with said Indians; and

Whereas, it was further provided that for the sole and exclusive use of such of said Indians as might not elect or be deemed qualified to take allotments in severalty as provided, there should be set apart and reserved all that portion of their reservation lying west of the range line between ranges thirteen and fourteen west of the New Mexico Principal Meridian, and also all of townships thirty-one and thirty-two of ranges fourteen, fifteen, and sixteen west of the New Mexico Principal Meridian and lying in the Territory of New Mexico, subject to the right of the Government to erect and maintain agency buildings thereon, and to grant rights of way through the same for railroads, irrigation ditches, highways and other necessary purposes; and

Ante, p. 185.

Whereas, under the provisions of section four of said act it was made the duty of the President of the United States to issue his proclamation declaring the lands within the reservation of said Indians except such portions as might have been allotted or reserved under the provisions of the preceding sections of said act, open to occupancy and settlement, said unallotted and unreserved lands to be and become a part of the public domain of the United States and to become subject to entry, under the desert, homestead, and townsite laws and the laws governing the disposal of coal, mineral, stone and timber lands, but providing that no homestead settler should receive a title to any portion of such lands at less than one dollar and twenty-five cents per acre, and such settlers should be required to make a cash payment of fifty cents per acre at the time filing is made upon any of said lands; and providing that before said lands should be open to public settlement the Secretary of the Interior should cause the improvements belonging to the Indians on the lands then occupied by them to be appraised and sold at public sale to the highest bidder, except improvements on lands allotted to the Indians in accordance with this act; and providing that no sale of such improvements should be made for less than the appraised value and that the several purchasers of said improvements should, for thirty days after the issuance of the President's proclamation have the preference right of entry of the lands upon which the improvements purchased by them should be situated, but that the said purchase should not exceed one hundred and sixty acres and that the proceeds of such improvements should be paid to the Indians owning the same; and

Whereas, it is further provided that the provisions of said act should take effect only upon the acceptance thereof and consent thereto by a majority of all the male adult Indians then located or residing upon the reservation, which acceptance should be at once obtained under such regulations as the Secretary of the Interior might prescribe; and

Whereas, allotments have been made as provided for in said act, and all the other terms and considerations as required therein have been complied with, precedent to opening the unallotted and unreserved lands in said reservation to settlement and entry, except the sale of improvements on the NE¼ NW¼, S½ NW¼ and NW¼ SW¼ Sec. 1, T. 33 N., R. 9 W., belonging to Ignacio, an Indian, but said sale will be immediately ordered and the rights of the purchaser thereof will be protected for thirty days from date of this proclamation, as provided by the act, by instructions to the register and receiver of the local land office having jurisdiction over the same, and as this exception is not considered a bar to the opening of the unallotted and unreserved lands to settlement; and

Whereas, I issued a proclamation on the 29th day of March, last, intended to open the lands to settlement and entry as authorized in said act, but as some question has arisen as to the boundaries proclaimed being sufficiently definite to cover the lands intended to be opened,

Lands opened for settlement.

Now, Therefore, I, William McKinley, President of the United States, for the purpose of removing any doubt and making the boundaries of said lands more definite, by virtue of the power in me vested by said act, do hereby issue this, my second proclamation, and do hereby declare and make known that all of the lands embraced in said reservation, saving and excepting the lands reserved for and allotted to said Indians, and the lands reserved for other purposes in pursuance of the provisions of said act, will, at and after the hour of twelve o'clock noon (mountain standard time) on the 4th day of May A. D., eighteen hundred and ninety-nine, and not before, be open to settlement and entry under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said act, and the laws of the United States applicable thereto.

Boundaries, etc.

The lands to be opened to settlement and entry are described as lying within the following boundaries: Beginning at the point established by S. S. Gannett, Special Indian Agent, in June, 1897, at the intersection of the 107th meridian and the 37th parallel of latitude; thence north 15 miles along the eastern boundary of the reservation; thence westerly along the north boundary of the Southern Ute Indian Reservation to its intersection with the range line between ranges thirteen and fourteen west of the New Mexico Principal Meridian; thence south fifteen miles on said range line to the south boundary of the State of Colorado; thence easterly along the south boundary of the State of Colorado to the place of beginning.

The survey of the east boundary of the above tract through townships 32, 33, and 34 N., R. 1 W., and of that part of the north boundary in Tps. 34 N., Rs. 1 and 2 W., being in process of correction owing to errors found in said survey, notice is hereby given to all parties who may elect to make entries of lands adjoining the boundary lines subject to correction, that their entries will be at their own risk, and subject to such changes as to the boundaries of the several tracts so entered as may be found necessary in the progress of the correction of the erroneous survey, and that without recourse to the United States for any damage that may arise as the result of the correction survey.

The lands allotted to the Indians are for greater convenience particularly described in the accompanying schedule entitled "Schedule of lands within the Southern Ute Indian Reservation allotted to the Indians and withheld from settlement and entry by proclamation of the President dated April 13, 1899," and which schedule is made a part thereof.

An error having been made in 1873 in the survey and location of the eastern boundary of the reservation hereby open to settlement and entry whereby certain lands constituting a part of the reservation were erroneously identified as being outside of the reservation, by reason of which several persons in good faith settled upon said lands under the belief that the same were unappropriated public lands open to settlement, and have since improved and cultivated, and are now residing upon the same with a view to the entry thereof under the public land laws, notice is hereby given that in so far as said persons possess the qualifications required by law, and maintain their said settlement and residence up to the time of the opening herein provided for, they will be considered and treated as having initiated and established a lawful settlement at the very instant at which the lands become open, and as having the superior right and claim to enter said lands, which right must be exercised within three months from the time of said opening.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 13th day of April in the year of our Lord one thousand, eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-third.

[SEAL.]

WILLIAM MCKINLEY

By the President
JOHN HAY
Secretary of State.

Schedule.

SCHEDULE OF LANDS WITHIN THE SOUTHERN UTE INDIAN RESERVATION ALLOTTED TO THE INDIANS AND WITHHELD FROM SETTLEMENT AND ENTRY BY PROCLAMTION OF THE PRESIDENT DATED APRIL 13, 1899.

In Township 32 North, Range 3 West.

Southwest quarter of southwest quarter of section 4; south half of southeast quarter and southeast quarter of southwest quarter of section 5; north half of northeast quarter, east half of northwest quarter, east half of southwest quarter and southwest quarter of southwest quarter of section 8; north half of northwest quarter and southeast quarter of northwest quarter of section 9; southeast quarter of southwest quarter and south half of southeast quarter of section 10; southwest quarter of southwest quarter of section 11; northwest quarter of northwest quarter of section 13; north half of northeast quarter and north half of northwest quarter of section 14; northeast quarter of northeast quarter of section 15; northwest quarter of northwest quarter of section 17; and northeast quarter of northeast quarter of section 18.

In Township 33 North, Range 3 West.

East half of section 3; northeast quarter, south half of northwest quarter and west half of southwest quarter of section 10; south half of southeast quarter and south half of southwest quarter of section 19; east half of northeast quarter, southeast quarter, east half of southwest quarter and southwest quarter of southwest quarter of section 20; northwest quarter and north half of southwest quarter of section 21; west half of northwest quarter of section 28; east half, east half of northwest quarter and northwest quarter of northwest quarter of section 29; north half of northeast quarter and north half of northwest quarter of section 30; and northeast quarter of section 32.

In Township 34 North, Range 3 West.

Southwest quarter of southwest quarter of section 22; northwest quarter of northwest quarter, south half of northwest quarter and southwest quarter of section 27; and north half of northwest quarter, southeast quarter of northwest quarter, southwest quarter of northeast quarter and southeast quarter of section 34.

In Township 32 North, Range 4 West.

Southwest quarter of southeast quarter of Section 10; southwest quarter of southwest quarter of section 13; south half of southeast quarter, south half of southwest quarter and northwest quarter of southwest quarter of section 14; west half of northeast quarter, south half of northwest quarter, west half of southeast quarter and southwest quarter of section 15; south half of section 16; south half of northeast quarter, south half of northwest quarter, north half of southeast quarter and north half of southwest quarter of section 17; south half of northeast quarter, north half of southeast quarter, southeast quarter of northwest quarter and northeast quarter of southwest quarter of section 18; north half and north half of southeast quarter of section 21; north half, north half of southeast quarter and north half of southwest quarter of section 22; north half, north half of southeast quarter and north half of southwest quarter of section 23; and west half of northwest quarter and northwest quarter of southwest quarter of section 24.

In Township 33 North, Range 4 West.

South half of northeast quarter, northwest quarter, north half of southeast quarter, southeast quarter of southeast quarter and northeast quarter of southwest quarter of section 23; south half of section 24; and north half of northeast quarter of section 25.

Schedule—Cont'd.

In Township 34 North, Range 4 West.

All of section 7; all of section 8; north half of section 9; all of section 10; north half, southwest quarter, north half of southeast quarter and southwest quarter of southeast quarter of section 11; northwest quarter and northwest quarter of southwest quarter of section 12; west half of northwest quarter and northwest quarter of southwest quarter of section 13; all of section 14; east half, east half of northwest quarter, and southwest quarter of section 15; south half of southeast quarter of section 16; north half of northeast quarter, north half of northwest quarter, southwest quarter of northwest quarter, and southwest quarter of section 18; west half of section 19; east half of southeast quarter of section 20; east half, east half of northwest quarter, and southwest quarter of section 21; north half of northeast quarter, north half of northwest quarter, southwest quarter of northwest quarter and northwest quarter of southwest quarter of section 22; north half of the northwest quarter of section 28; and northeast quarter of northeast quarter of section 29.

In Township 32 North, Range 5 West.

South half, south half of northeast quarter and south half of northwest quarter of section 9; south half of northwest quarter, and southwest quarter of section 10; west half of northwest quarter and west half of southwest quarter of section 14; all of section 15; east half, northwest quarter and north half of southwest quarter of section 16; northeast quarter of southeast quarter of section 19; north half of southeast quarter and north half of southwest quarter of section 20; and northeast quarter, south half of northwest quarter, northwest quarter of southeast quarter and north half of southwest quarter of section 21.

In Township 33 North, Range 5 West.

West half of northeast quarter, northwest quarter and northwest quarter of southwest quarter of section 1; east half, east half of northwest quarter, and southwest quarter of section 2; east half of southeast quarter and southwest quarter of southeast quarter of section 3; east half of southeast quarter and southwest quarter of southeast quarter of section 9; northeast quarter, east half of northwest quarter, southwest quarter of northwest quarter, northwest quarter of southeast quarter, and southwest quarter of section 10; northwest quarter of northeast quarter, and northwest quarter of section 11; west half of northwest quarter and west half of southwest quarter of section 15; east half, east half of northwest quarter and east half of southwest quarter of section 16; north half, north half of southeast quarter and north half of southwest quarter of section 21; west half of section 28; east half of section 29; north half of northeast quarter of section 32; and north half of northwest quarter of section 33.

In Township 34 North, Range 5 West.

East half, east half of northwest quarter and south half of southwest quarter of section 12; east half of northeast quarter, northwest quarter of northeast quarter and west half of northwest quarter of section 13; east half of northeast quarter of section 14; west half of section 25; south half of northeast quarter, southeast quarter and east half of southwest quarter of section 26; and east half of section 35.

In Township 32 North, Range 7 West.

West half of northwest quarter, west half of southeast quarter, and southwest quarter of section 3; all of section 4; east half of northeast quarter and east half of southeast quarter of section 5; east half of northeast quarter and east half of southeast quarter of section 8; all of section 9; west half, west half of northeast quarter, and southeast quarter of section 10; west half, west half of northeast quarter, and west half of southeast quarter of section 15; east half, east half of northwest quarter, northwest quarter of northwest quarter and east half of southwest quarter of section 16; northeast quarter of northeast quarter of section 17; northeast quarter of section 21; and northwest quarter of section 22.

In Township 33 North, Range 7 West.

South half of northeast quarter, south half of northwest quarter, and south half of section 1; south half of northeast quarter, and southeast quarter of section 2; northwest quarter of northeast quarter, and northwest quarter of section 4; all of section 5; all of section 6; north half and northeast quarter of southeast quarter of section 7; all of section 8; west half of northeast quarter, west half of southeast quarter, and west half of section 9; east half of section 11; all of section 12; all of section 13; east half of section 14; southwest quarter of southwest quarter of section 15; southeast quarter of northeast quarter, west half of northeast quarter, northwest quarter and south half of section 16; north half, southeast quarter, north half of southwest quarter and southeast quarter of southwest quarter of section 17; east half of northeast quarter, south-

Schedule—Cont'd.

west quarter of northeast quarter and north half of southeast quarter of section 18; northeast quarter, and east half of northwest quarter of section 20; north half, southeast quarter, east half of southwest quarter and northwest quarter of southwest quarter of section 21; west half of northwest quarter, and southwest quarter of section 22; east half of section 23; all of section 24; all of section 25; northeast quarter of section 26; west half of section 27; east half, east half of northwest quarter, southwest quarter of northwest quarter, and southwest quarter of section 28; south half of northeast quarter, and southeast quarter of section 29; east half of northeast quarter and east half of southeast quarter of section 32; west half of northeast quarter, west half of southeast quarter, and west half of section 33; south half of northeast quarter, and southeast quarter of section 35; and all of section 36.

In Township 34 North, Range 7 West.

All of section 10; all of section 11; west half of northeast quarter, west half of southeast quarter, and west half of section 12; north half and southwest quarter of section 13; all of section 14; all of section 15; north half, southeast quarter, and east half of southwest quarter of section 21; all of section 22; all of section 23; north half and southwest quarter of section 24; northwest quarter of section 25; north half, west half of southeast quarter, and southwest quarter of section 26; all of section 27; northeast quarter, east half of northwest quarter, east half of southeast quarter, northwest quarter of southeast quarter and northeast quarter of southwest quarter of section 28; east half, and south half of southwest quarter of section 32; all of section 33; north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter and south half of section 34; and west half of northeast quarter, northwest quarter, and west half of southwest quarter of section 35.

In Township 34 North, Range 8 West.

East half, east half of northwest quarter and east half of southwest quarter of section 7; west half and southeast quarter of section 8; west half of section 17; east half of section 18; east half and southwest quarter of section 19; west half of section 20; northwest quarter and south half of section 25; south half of section 26; west half of section 29; east half, east half of northwest quarter and east half of southwest quarter of section 30; all of section 31; west half of northwest quarter and west half of southwest quarter of section 32; north half and southeast quarter of section 35; and all of section 36.

In Township 33 North, Range 9 West.

Southwest quarter of northeast quarter, south half of northwest quarter, southeast quarter, east half of southwest quarter and northwest quarter of southwest quarter of section 2; south half of northeast quarter, southeast quarter of northwest quarter, north half of southeast quarter, southwest quarter of southeast quarter, and southwest quarter of section 3; southeast quarter and south half of southwest quarter of section 4; east half and southwest quarter of section 8; north half of northwest quarter of section 9; west half of southeast quarter, and west half of section 17; east half of southeast quarter, and southwest quarter of section 18; east half of northeast quarter, northwest quarter, and southwest quarter of southwest quarter of section 19; northwest quarter, and east half of southwest quarter of section 20; west half of section 29; east half, south half of northwest quarter, northwest quarter of northwest quarter, and southwest quarter of section 30; east half, east half of northwest quarter, and southwest quarter of section 31; and west half of northwest quarter of section 32.

In Township 34 North, Range 9 West.

All of sections 12, 13, 24, 25 and 36.

In Township 33 North, Range 10 West.

All of section 1; west half of section 12; west half and southeast quarter of section 13; east half of section 24; and east half of section 25.

In Township 34 North, Range 10 West.

South half of section 13, and all of sections 24, 25 and 36.

In Township 34 North, Range 11 West.

East half of northeast quarter, and southeast quarter of section 7; north half, southeast quarter and east half of southwest quarter of section 8; west half of northwest quarter and west half of southwest quarter of section 9; west half of northeast quarter and east half of northwest quarter of section 17; and west half of section 18.

Schedule—Cont'd.

In Township 33 North, Range 12 West.

West half of northwest quarter, south half of southwest quarter and northwest quarter of southwest quarter of section 4; east half, east half of southwest quarter and southwest quarter of southwest quarter of section 5; northeast quarter, south half of northwest quarter and north half of southwest quarter of section 7; north half of northeast quarter and north half of northwest quarter of section 8; south half of northwest quarter and west half of southwest quarter of section 18; east half and northwest quarter of section 19; east half of section 30; and east half of section 31.

In Township 34 North, Range 12 West.

Southeast quarter and east half of southwest quarter of section 13; southeast quarter of southeast quarter of section 22; east half of northeast quarter, southwest quarter of northeast quarter, southeast quarter of northwest quarter, and south half of section 23; north half, west half of southeast quarter, and southwest quarter of section 24; northwest quarter of northeast quarter and north half of northwest quarter of section 25; north half of northeast quarter, north half of northwest quarter and southwest quarter of northwest quarter of section 26; east half, south half of northwest quarter, and southwest quarter of section 27; southeast quarter of section 28; all of section 33; and north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter, and north half of southwest quarter of section 34.

In Township 33 North, Range 13 West.

Southeast quarter of northeast quarter and east half of southeast quarter of section 12; and east half of northeast quarter, southwest quarter of northeast quarter and east half of southeast quarter of section 13.

Apr. 10, 1900.
31 Stat., 1963.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.
Ante, p. 441.

Whereas, by section one of the act of July 1, 1892 (27 Stat., 62), entitled "An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes" it is provided:

> That subject to the reservations and allotment of lands in severalty to the individual members of the Indians of the Colville Reservation in the State of Washington herein provided for, all the following described tract or portion of said Colville Reservation, namely: Beginning at a point on the eastern boundary line of the Colville Indian Reservation where the township line between townships thirty-four and thirty-five north, of range thirty-seven east, of the Willamette meridian, if extended west, would intersect the same, said point being in the middle of the channel of the Columbia River, and running thence west parallel with the forty-ninth parallel of latitude to the western boundary line of the said Colville Indian Reservation in the Okanagon River, thence north following the said western boundary line to the said forty-ninth parallel of latitude, thence east along the said forty-ninth parallel of latitude to the northeast corner of the said Colville Indian Reservation, thence south following the eastern boundary of said reservation to the place of beginning, containing by estimation one million five hundred thousand acres, the same being a portion of the Colville Indian Reservation, created by executive order dated July second, eighteen hundred and seventy-two, be, and is hereby, vacated and restored to the public domain, notwithstanding any executive order or other proceeding whereby the same was set apart as a reservation for any Indians or bands of Indians, and the same shall be open to settlement and entry by the proclamation of the President of the United States and shall be disposed of under the general laws applicable to the disposition of public lands in the State of Washington,

and
Whereas it is provided by section three of said act,

> That each entryman under the homestead laws shall, within five years from the date of his original entry and before receiving a final certificate for the land covered by his entry, pay to the United States for the land so taken by him in addition to fees provided by law the sum of one dollar and fifty cents per acre, one third of which shall be paid within two years after the date of the original entry; but the

R. S., 2304, 2305.

> rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid,

and

Whereas by section six of said act it is provided:

> That the land used and occupied for school purposes at what is known as Tonasket school, on Bonaparte Creek, and the site of the sawmill, gristmill, and other mill property on said reservation, is hereby reserved from the operation of this act, unless other lands are selected in lieu thereof: *Provided*, That such reserve lands shall not exceed in the aggregate two sections, and must be selected in legal subdivisions conformably to the public surveys, such selection to be made by the Indian Agent of the Colville Agency, under the direction of the Secretary of the Interior and subject to his approval: *Provided, however*, That said Indians may, in lieu of said sites or either of them, select other lands of equal quantity, for such purposes, either on the vacated or unvacated portions of said reservation, the same to be designated in legal subdivisions by said Indian Agent, under the direction of and subject to the approval of the Secretary of the Interior, in which case said first-designated tracts shall not be exempt from the operation of this act; such selection to be made and approved within six months after the survey of said lands and the proclamation of the President.

and

Ante, p. 667.

Whereas, in a clause in the Indian Appropriation Act of July 1, 1898 (30 Stat., 571), it is provided:

> That the mineral lands only in the Colville Indian Reservation, in the State of Washington, shall be subjected to entry under the laws of the United States in relation to the entry of mineral lands: *Provided*, That lands allotted to the Indians or used by the Government for any purpose or by any school shall not be subject to entry under this provision,

and in another clause that,

> The Indian allotments in severalty provided for in said act shall be selected and completed at the earliest practicable time and not later than six months after the proclamation of the President opening the vacated portion of said reservation to settlement and entry, which proclamation may be issued without awaiting the survey of the unsurveyed lands therein. Said allotments shall be made from lands which shall at the time of the selection thereof be surveyed, excepting that any Indian entitled to allotment under said act who has improvements upon unsurveyed land may select the same for his allotment, whereupon the Secretary of the Interior shall cause the same to be surveyed and allotted to him. At the expiration of six months from the date of the proclamation by the President, and not before, the nonmineral lands within the vacated portion of said reservation which shall not have been allotted to Indians as aforesaid, shall be subject to settlement, entry and disposition under said act of July first, eighteen hundred and ninety-two: *Provided*, That the land used and occupied for school purposes at what is known as Tonasket School, on Bonaparte Creek, and the site of the sawmill, gristmill and other mill property on said reservation, are hereby reserved from the operation of this act, unless other lands are selected in lieu thereof as provided in section six of the aforesaid act of July first, eighteen hundred and ninety-two.

and

Colville Reservation, Wash.

Whereas, all the terms, conditions and considerations required by said Acts of July 1, 1892, and July 1, 1898, precedent to the issuance of the Proclamation provided for therein, have been, as I hereby declare, complied with:

Certain lands opened to settlement.

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested by the statutes hereinbefore mentioned, do hereby declare and make known that all of said lands hereinbefore described, restored by the said Act of July 1, 1892, will, at and after the hour of twelve o'clock noon (Pacific standard time) six months from the date hereof, to wit: the 10th day of October, nineteen hundred, and not before, be open to settlement and entry under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in the statutes above specified, and the laws of the United States, applicable thereto, saving and excepting such tracts as have been or may be allotted to or reserved or selected for, the Indians, or other purposes, under the laws herein referred to.

School lands.

Sections sixteen and thirty-six in each township will be subject to such right of the State of Washington thereto as may be ascertained and determined by the land department in the administration of the grant of lands in place to that State for the support of common schools.

Indian allotments.

The lands which have been allotted to the Indians are for greater convenience particularly described in the accompanying schedule, entitled "Schedule of lands allotted to the Indians in restored portion of Colville Reservation, Washington, and withheld from settlement and entry by proclamation of the President, dated April 10, 1900," and which schedule is made a part hereof.

Nonmineral lands open to settlement.

Notice, moreover, is hereby given that it is by law enacted that at the expiration of six months from the date of the proclamation by the President, and not before, the non-mineral lands within the vacated portion of said reservation which shall not have been allotted to or reserved or selected for the Indians, or for other purposes, shall be subject to settlement, entry and disposition under said Act of July 1, 1892; and all persons are hereby warned from attempting to make settlement on any of said lands prior to the date fixed for the opening thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this tenth day of April, in the year of our Lord nineteen hundred, and of the Independence of the United States the one hundred and twenty-fourth.

[SEAL.]

WILLIAM MCKINLEY

By the President,
JOHN HAY
Secretary of State.

Schedule.

SCHEDULE OF LANDS ALLOTTED TO THE INDIANS IN RESTORED PORTION OF COLVILLE RESERVATION, WASHINGTON, AND WITHHELD FROM SETTLEMENT AND ENTRY BY PROCLAMATION OF THE PRESIDENT, DATED APRIL 10, 1900.

Township 35 North, Range 31 East.

A tract of land described as follows: Beginning at a large fir tree blazed on N. side being S. E. Cor. thence due N. 20 chains set post and made a mound thence due west 40 chains set post and made mound thence S. 20 chains set post being S. W. Cor. thence due E. 40 chains to point of beginning, in section 11 or 12.

A tract of land described as follows: Beginning at N. W. Cor. of 196 due W. 40 chains set post being S. E. Cor. thence due N. 20 chains set post thence due W. 40 chains set post thence due S. 20 chains set post thence due E. 40 chains to point of beginning, in section 10 or 11.

A tract of land described as follows: Beginning at a post and mound at N. W. Cor. thence due S. 20 chains set post thence due E. 40 chains set post S. E. Cor. thence due N. 20 chains set post thence due W. 40 chains to point of beginning, in section 6 or 7.

A tract of land described as follows: Beginning at S. W. Cor. of 200 thence due S. 20 chains set post thence due E. 40 chains set post thence due N. 20 chains, being N. E. Cor. thence due W. 40 chains to point of beginning, in section 6 or 7.

A tract of land described as follows: Beginning at S. E. Cor. of 201 thence due S. 40 chains being S. W. Cor. thence due E. 40 chains set post thence due N. 20 chains thence due W. 40 chains set post thence due S. 20 chains to point of beginning, in section 7 or 8.

Township 35 North, Range 32 East.

A tract of land described as follows: Set post and made mound for N. E. Cor. thence due S. 20 chains set post thence due W. 40 chains set post and made mound thence due N. 20 chains set post made a mound thence due E. 40 chains to point of beginning in section 7 or 8.

Township 35 North, Range 36 East.

SE ¼, Sec. 24; NE ¼ NW ¼, NW ¼ NE ¼, Sec. 25.

Schedule—Cont'd.

Township 35 North, Range 37 East.

E ½ SE ¼, Sec. 9; lots 3, 4 and 5 of Sec. 10; lots 1 and 2 of Sec. 15; NE ¼ SW ¼ and lots 1, 2, 3, 4, 5 and 6 of Sec. 16; E ½ NE ¼, SE ¼ of Sec. 19; W ½ NW ¼, W ½ SW ¼, SE ¼ SW ¼ and lots 2, 3 and 4 of Sec. 20; NW ¼, W ½ SW ¼ and lots 1, 2 and 4 of Sec. 29; E. N E ¼, NW ¼ and S ½ Sec. 30; NE ¼ and lots 1 and 2 of Sec. 31; NE ¼ NW ¼, lots 1, 2, 3 and 4 of Sec. 32.

Township 36 North, Range 28 East.

A tract of land described as follows: Beginning at a mound and stake run due North 20 chains thence due West 40 chains set post thence due S. 20 chains set post thence due E. 40 chains to point of beginning.

A tract of land described as follows: Beginning at NE Cor. of 188 run due N. 20 chains set post thence due W. 40 chains set post thence due S. 20 chains to N. W. Cor. 188 thence due E. 40 chains to point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. of 188 thence due W. 40 chains set post thence due N. 20 chains set post thence due E. 40 chains to N. W. Cor. of 189 thence due S. 20 chains to the point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. of 190 thence due N. 20 chains set post thence due E. 40 chains set post thence due S. 20 chains to N. E. Cor. of 190 thence due W. 40 chains to point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. of 191 thence due N. 20 chains set post thence due E. 40 chains set post thence due S. 20 chains to N. E. Cor. of 191 thence due W. 40 chains to point of beginning.

A tract of land described as follows: Beginning at N. W. Cor. 190 thence due W. 20 chains set post thence due N. 40 chains set post thence due E. 20 chains to N. W. Cor. 192 thence due south 40 chains to point of beginning.

A tract of land described as follows: Beginning at S. E. Cor. Sec. 32, Tp. 37 R. 28 run due S. 20 chains set post thence due E. 40 chains made rock mound thence due N. 20 chains to quarter Sec. Cor. of Sec. 33 on Tp. line, thence due W. 40 chains on Tp. line to point of beginning.

Township 36 North, Range 29 East.

A tract of land described as follows: Set post and made mound thence due N. 20 chains set post thence due E. 40 chains set post thence due S. 20 chains set post thence due W. 40 chains to point of beginning, in section 9.

A tract of land described as follows: Beginning on ninth standard parallel at quarter Cor. of Sec. 33 thence due S. 40 chains set post thence due W. 20 chains set post thence due N. 40 chains set post thence due E. on 9th standard parallel 20 chains to point of beginning.

A tract of land described as follows: Beginning at S. W. Cor. of 215 on ninth standard parallel thence due E. 40 chains set post thence due S. 20 chains set post thence due W. 40 chains set post thence due N. 20 chains to place of beginning, in section 4 or 5.

Township 36 North, Range 30 East.

E ½ of NW ¼, W ½ NE ¼, SE ¼ NE ¼, NE ¼ SE ¼ of Sec. 33; SW ¼ NW ¼, N ½ SW ¼, W ½ SE ¼, SE ¼ SE ¼ of Sec. 34.

Township 36 N., R. 32 E.

NE ¼, W ½ SE ¼, E ½ SW ¼ of Sec. 1; NE ¼ NE ¼ and N ½ of SE ¼ of NE ¼ of Sec. 2; E ½ SE ¼ of Sec. 11; NW ¼ and W ½ SW ¼ of Sec. 12; W ½ NW ¼ and W ½ SW ¼ of Sec. 13; E ½ NE ¼ and E ½ SE ¼ of Sec. 14; NE ¼ and W ½ SE ¼ of Sec. 23; W ½ SE ¼ of Sec. 26; E ½ NW ¼ and W ½ SW ¼ of Sec. 35.

Township 36 North, Range 33 East.

W ½ of E ½ of NW ¼ and W ½ of NW ¼ of Sec. 1; E ½ of E ½ of NE ¼ of Sec. 2; NE ¼, N ½ SE ¼, E ½ NW ¼ of Sec. 4; N ½ NE ¼ and NW ¼ NW ¼ of Sec. 5; N ½ NE ¼, SW ¼ NE ¼ and NW ¼ of Sec 6.

Township 36 North, Range 37 East.

SW ¼ SE ¼ and lot 4 of Sec. 22; lot 1 of Sec. 26; W ½ NE ¼, W ½ SE ¼ and lots 1, 2, 3 and 4 of Sec. 27; SE ¼ NE ¼, NE ¼ SE ¼ of Sec. 33; NW ¼ NE ¼, S ½ NW ¼, SW ¼ and lots 1, 2, 3, 4 and 5 of Sec. 34; and lot 1 of Sec. 35.

Township 37 North, Range 37 East.

E ½ NE ¼, E ½ SE ¼ of Sec. 1; SE ¼ NW ¼ and lots 2, 3 and 4 of Sec. 3, the E ½ NW ¼ and NE ¼ of Sec. 12, The W ½ of E ½ of SW ¼ and lots 1, 2, 3, 4, and 5 of Sec. 16; Lots 1 and 2 of Sec. 20, W ½ NW ¼ of Sec. 21.

Schedule—Cont'd.

Township 37 North, Range 28 East.

W ½ NE ¼, E ½ NW ¼, E ½ SW ¼, lots 4, 5, 6 and 7 of Sec. 6,; N ½ NW ¼ Sec. 7; NW ¼ NE ¼, NE ¼ NW ¼, Sec. 9; S ½ SE ¼, SE ¼ SW ¼, Sec. 25; S ½ of Sec. 32; S ½ SW ¼ of Sec. 33, N ½ NE ¼ and NE ¼ NW ¼ of Sec. 36.

Township 37 North, Range 29 East.

N ½ SW ¼ of Sec. 27, lot 4 of Sec. 30, E ½ NE ¼, NW ¼ NE ¼, NE ¼ NW ¼ and lot 1 of Sec. 31; S ½ NW ¼, N ½ SW ¼ and SE ¼ of Sec. 32, W ½ SW ¼ of Sec. 33.

Township 37 North, Range 30 East.

W ½ NW ¼ of Sec. 1, E ½ NE ¼ of Sec. 2; SE ¼ of Sec. 3; S ½ NE ¼ of Sec. 8; S ½ NE ¼ and S ½ NW ¼ of Sec. 9; N ½ NE ¼ and N ½ NW ¼ Sec. 10.

Township 37 North, Range 33 East.

Lots 8 and 9, Sec. 5; Lots 3, 5, 12 and 13 of Sec. 8; E ½ NE ¼, SE ¼ SE ¼ and lots 1, 4, 7 and 8 of Sec. 17; NE ¼ NW ¼ and E ½ of Sec. 20; SW ¼ NW ¼ and NW ¼ SW ¼ of Sec. 21; NE ¼, SE ¼ NW ¼, N ½ SE ¼, SW ¼ SE ¼, E ½ SW ¼ and SW ¼ SW ¼ of Sec. 29; SE ¼ SE ¼ of Sec. 30; NE ¼ NE ¼ of Sec. 31; NW ¼ NE ¼, N ½ NW ¼ and E ½ SE ¼ of Sec. 32; SE ¼ and S ½ SW ¼ of Sec. 33; E ½ SE ¼ and W ½ SW ¼ of Sec. 34; W ½ SW ¼ of Sec. 35.

Township 37 North, Range 37 East.

Lots 1, 2, 3 and 4, Sec. 1; SE ¼ NE ¼ and lot 1 of Sec. 2; S ½ SE ¼ SW ¼ of Sec. 3; NW ¼ SE ¼ and lots 5, 6, 7, 8, 9, 10, 11 and 12 of Sec. 4; SE ¼ NE ¼ and lot 1 of Sec. 5; W ½ SW ¼ and lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Sec. 9; N ½ NE, Sec. 10; SW ¼ of Sec. 13; S ½ NE ¼, SE ¼ and SE ¼ of SW ¼ of Sec. 14; SW ¼ NW ¼, W ½ SW ¼, SE ¼ SW ¼ of Sec. 15; SE ¼ NE ¼ and NE ¼ SE ¼ of Sec. 16. S ½ NE ¼, E ½ NW ¼, NW ¼ NW ¼, NE ¼ of SW ¼ and N ½ SE ¼ of Sec. 22; E ½ NW ¼, SW ¼ NW ¼, E ½ SW ¼, NW ¼ SW ¼ and lots 1 and 2 and E ½ of Sec. 23; S ½ SE ¼ and S ½ SW ¼ Sec. 24; N ½ NE ¼ of Sec. 25; N ½ SW ¼ and lots 9, 10, 11 and 12 of Sec. 26; S ½ NE ¼, N ½ SE ¼, NE ¼ SW ¼ and lots 9, 10, 12, 13 and 14 of Sec. 27; Lots 1, 5, 7, 8, and 12 of Sec. 28, W ½ NE ¼, W ½ SE ¼ and lots 2, 3, 4 and 5 of Sec. 33.

Township 37 North, Range 38 East.

Lots, 1, 2, 3, 4, 5, and 6 of Sec. 18; Lots 1, 3 and 4 of Sec. 19.

Township 38 North, Range 27 East.

SW ¼ NW ¼ and lot 6 of Sec. 2; Lots 6, 7, 8 and 9 of Sec. 3; Lots 4, 5 and 6 of Sec. 11; SE ¼ of NW ¼ and lots 7 and 8 of Sec. 14; Lot 3 of Sec. 22; W ½ NE ¼ of NW ¼ and lots 3, 4, 5, and 6 of Sec. 23; SE ¼ SE ¼ and lot 7 of Sec. 27; E ½ NE ¼, E ½ SE ¼ and lots 5, 6, 7 and 8 of Sec. 34.

Township 38 North, Range 28 East.

S ½ SE ¼ and SE ¼ SW ¼ of Sec. 10; SW ¼ of Sec. 11; N ½ NW ¼ Sec. 14; N ½ NE ¼ and N ½ NW ¼, Sec. 15; NE ¼ NE ¼ of Sec. 16; SW ¼ of Sec. 26; W ½ NE ¼, E ½ SW ¼ and lots 3 and 4 of Sec. 31.

Township 38 North, Range 29 East.

S ½ NW ¼ and lots 2, 3, and 4 of Sec. 4; NE ¼, S ½ NW ¼, N ½ SE ¼ and lots 3 and 4 of Sec. 5; E ½ NE ¼ of Sec. 6.

Township 38 North, Range 30 East.

E ½ SW ¼ and SW ¼ SW ¼ of Sec. 25; SE ¼ SE ¼ of Sec. 26; E ½ NE ¼ and E ½ SE ¼ of Sec. 35; W ½ NW ¼ of Sec. 36.

Township 38 North; Range 32 East.

E ½ SE ¼ and SW ¼ SE ¼ of Sec. 25; W ½ NE ¼ and SE ¼ NE ¼ of Sec. 36.

Township 38 North, Range 33 East.

W ½ NW ¼ of Sec. 1; S ½ NE ¼ and lots 1 and 2 of Sec. 2; lot 4 of Sec. 3; lot 1 of Sec. 4; S ½ SE ¼ of Sec. 9; S ½ NE ¼, S ½ NW ¼, SE ¼ and E ½ SW ¼ of Sec. 15; NE ¼ of Sec. 16; S ½ NE ¼, SE ¼ and E ½ SW ¼ of Sec. 21; N ½ NE ¼ of Sec. 22; S ½ SE ¼, Sec. 26; N ½ NW ¼ of Sec. 27; N ½ NE ¼, NE ¼ NW ¼, SE ¼ and Lot 1 of Sec. 28; SW ¼ SE ¼ of Sec. 30; NW ¼ NE ¼ of Sec. 31; and N ½ NE ¼ of Sec. 35.

Schedule—Cont'd.

Township 38 North, Range 37 East.

S ½ SE ¼ of Sec. 4; SE ¼ SE ¼ of Sec. 5; NE ¼ NE ¼, E ½ SE ¼, SW ¼ SE ¼ of Sec. 8; Sec. 9; SE ¼ NE ¼, W ½ NW ¼, E ½ SE ¼, SW ¼ SE ¼ and SW ¼ of Sec. 10; SE ¼ NE ¼ and E ½ SE ¼ of Sec. 11; S ½ SW ¼ of Sec. 12; E ½ NE ¼, N ½ NW ¼ and lots 1 and 2 of Sec. 13; E ½ NE ¼, SW ¼ NE ¼, W ½ NW ¼, SE ¼, E ½ SW ¼ and NW ¼ SW ¼ of Sec. 14; Sec. 15; E ½, NW ¼ and N ½ SW ¼ of Sec. 16; N ½ NE ¼ of Sec. 17; E ½ NE ¼, N ½ SE ¼, SW ¼ SE ¼, SE ¼ SW ¼ and lot 5 of Sec. 21; NE ¼ S ½ NW ¼, NW ¼ NW ¼, N ½ SE ¼, N ½ SW ¼, and SW ¼ SW ¼ of Sec. 22; N ½ NE ¼, NW ¼ and S ½ SE ¼ of Sec. 23; NW ¼, NW ¼ SW ¼ and lot 5 of Sec. 25; SW ¼ SW ¼ and E ½ of Sec. 26; SE ¼ SE ¼ and SW ¼ of Sec. 27; NW ¼ NE ¼, E ½ SE ¼, SW ¼ SE ¼, SE ¼ SW ¼ and lots 2, 3, 4, and 5 of Sec. 28; SW ¼ NE ¼ and lots 3, 4 and 5 of Sec. 29; W ½ NE ¼, N ½ SE ¼, SW ¼ SE ¼, SE ¼ SW ¼ and lots 1, 2, 5, 6 and 8 of Sec. 33; N. E. ¼ NE ¼, and E ½ SE ¼ of Sec. 35; lots 1, 2, and 3 of Sec. 36.

Township 38 North, Range 38 East.

Lots 1, 2, 3, 4 and 5 of Sec. 8; lot 5 of Sec. 19; and lots 1 and 2 of Sec. 30.

Township 39 N., R. 27 East.

Lots 3 and 4 of Sec. 10; N ½ SW ¼ and lots 2, 3, 5 and 6 of Sec. 15; lots 5 and 6 of Sec. 16; E ½ NW ¼, NE ¼ SE ¼ and lots 6, 8, 9, 10 and 11 of Sec. 22; SE ¼ and lots 6, 7, 8, 9, 10, 11 and 12 of Sec. 27; lots 5, 6, 7, 8 and 9 of Sec. 34.

Township 39 North, Range 28 East.

NE ¼ NE ¼, S ½ NE ¼, SE ¼ NW ¼ and SE ¼ of Sec. 1; E ½ of Sec. 12; and SE ¼ of Sec. 36.

Township 39 North, Range 29 East.

W ½ SW ¼ of Sec. 3; SE ¼ and NW ¼ of Sec. 4; N ½ NW ¼ of Sec. 5; W ½ NW ¼ and SW ¼ of Sec. 6; W ½ NW ¼ of Sec. 7; N ½, SE ¼ and SE ¼ SW ¼ of Sec. 9; S. ½ NW ¼, and SW ¼ of Sec. 10; W ½ SE ¼ and E ½ SW ¼ of Sec. 15; S ½ SW ¼ of Sec. 33.

Township 39 North, Range 30 East.

S ½ SE ¼ and SW ¼ of Sec. 4; E ½ NE ¼ and E ½ SE ¼ of Sec. 8; N ½ NE ¼ and N ½ NW ¼ of Sec. 9.

Township 39 North, Range 31 East.

A tract of land described as follows: Commencing at a stake marked "I. A." ran north at variation of 22° 30′ E. forty chains and set post at N. W. Corner of claim thence east 20 chains and set N. E. Corner thence South 40 chains setting S. E. Corner thence West 20 chains to point of beginning.

A tract of land described as follows: Commencing at N. W. Corner of No. 12 thence east 10 chains to S. W. Corner of allotment No. 13 thence due North 20 chains and set post thence due east 10 chains and set post thence due North 20 chains and set post thence due east 20 chains and set post thence due South 20 chains and set post thence due west 10 chains and set post thence due South 20 chains and set post thence due West 20 chains to S. W. Corner of allotment No. 13.

A tract of land described as follows: Commencing at N. W. Cor. of No. 13, thence due east 10 chains and set post; thence due N. 20 chains and set post; thence due E. 10 chains and set post; thence due N. 20 chains and set post, thence due E. 20 chains and set post; thence due S. 20 chains and set post thence due W. 10 chains and set post thence due S. 20 chains and set post thence due W. 20 chains to the S. W. Corner of allotment No. 14.

A tract of land described as follows: Commencing at N. W. Corner of No. 14 thence due North 40 chains and set post thence due east 20 chains and set post thence due S. 40 chains and set post thence due West 20 chains on line between Nos. 14 & 15 to place of beginning.

A tract of land described as follows: Commencing at the N. W. Corner of No. 15, thence due east 10 chains and set post thence due North 40 chains and set post, thence due east 20 chains and set post, thence due South 40 chains set post for S. E. Corner thence due west 20 chains to S. W. Corner of No. 16.

Township 39 North, Range 32 East.

SW ¼ NE ¼, N ½ NW ¼ and SE ¼ NW ¼ of Sec. 2.

Township 39 North, Range 33 East.

SW ¼ NE ¼, SE ¼ NW ¼, NW ¼ SE ¼ and NE ¼ SW ¼ of Sec. 2; lots 1 and 2 of Sec. 9; lot 1 of Sec. 10; lots 1, 2, 3 and 4 of Sec. 11; N ½ of S. ½ of NE ¼ and lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Sec. 12; N ½ SE ¼ and SW ¼ of Sec. 13; S ½ NE ¼, S ½ NW ¼, SW ¼ and

Schedule—Cont'd.

lots 2, 3, 4, 5 and 6 of Sec. 14; SE ¼ SE ¼ and lots 1, 2 and 4 of Sec. 15; NE ¼ NE ¼ and lots 1, 5 and 6 of Sec. 16; NW ¼ NE ¼, NE ¼ NW ¼ and lots 6, 7, 8, and 9 of Sec. 17; W ½ Sec. 23; W ½ Sec. 24; W ½ NE ¼, E ½ NW ¼ and W ½ SE ¼ of Sec. 26; SW ¼ NW ¼ and NW ¼ SW ¼ of Sec. 29; SE ¼ SE ¼ of Sec. 33; SW ¼ SW ¼ of Sec. 34; E ½ of Sec. 35.

Township 39 North, Range 36 East.

SW ¼ NE ¼, W ½ SE ¼ and SE ¼ SW ¼ of Sec. 11, N. ½ SW ¼ of Sec. 13; S ½ NE ¼, SE ¼ NW ¼ and NE ¼ SE ¼ of Sec. 14.

Township 39 North, Range 37 East.

SE ¼ of Sec. 8; S ½ NE ¼, W ½ SE ¼ and SE ¼ SW ¼ of Sec. 16; SE ¼ NE ¼ and SE ¼ of Sec. 17; N ½ NE ¼, NE ¼ NW ¼, S ½ NW ¼ and SW ¼ of Sec. 20; NE ¼, NE ¼ NW ¼ and E ½ SE ¼ of Sec. 21; NW ¼ and E ½ SW ¼ of Sec. 29.

Township 39 North, Range 38 East.

SW ¼ SW ¼ of Sec. 12; W ½ NW ¼ and NW ¼ SW ¼ of Sec. 13; S ½ SW ¼ of Sec. 14; NW ¼ of Sec. 23.

Township 39 North, Range 39 East.

Lots 5, 6 and 7 of Sec. 2; SE ¼ NE ¼ and E ½ SE ¼ of Sec. 7; SW ¼ NW ¼ and W ½ SW ¼ of Sec. 8; SW ¼ SE ¼ and SE ¼ SW ¼ of Sec. 9; W ½ NE ¼, E ½ NW ¼, SW ¼ NW ¼ and lot 3 of Sec. 16; E ½ NE ¼, NW ¼ and NW ¼ SW ¼ of Sec. 17; NE ¼ NE ¼, SE ¼, and E ½ SW ¼ of Sec. 18.

Township 40 North, Range 27 East.

E ½ SE ¼ of Sec. 11; SW ¼ NE ¼, SE ¼ NW ¼, W ½ SE ¼ and SW ¼ of Sec. 12; NW ¼ of Sec. 13; E ½ NE ¼ of Sec. 14; W ½ of SW ¼ of NE ¼, NW ¼, W ½ of W ½ of SE ¼, E ½ SW ¼, and NW ¼ SW ¼ of Sec. 15; lot 5 of Sec. 21; NE ¼, N ½ SE ¼, SW ¼, SE ¼, S ½ SW ¼ and lots 2, 3 and 4 of Sec. 22; W. ½ SE ¼ of Sec. 27.

Township 40 North, Range 28 East.

S ½ SE ¼ and lots 3 and 4 of Sec. 19; SW ¼ of Sec. 35.

A tract of land described as follows: Beginning at a stone monument on the international line, being the N. W. Cor. of allotment 116, thence running due east on boundary line 40 chains set post at N. E. Cor. thence due S. 20 chains set post marked "I. A." being S. E. Cor. thence due W. 40 chains set post at S. W. Cor. thence due N. 20 chains to the point of beginning in section 2 or 3.

A tract of land described as follows: Beginning at S. W. Cor. of 116 thence due E. 40 chains to S. E. Cor. of 116 thence due S. 20 chains and set post being S. E. Cor. of 117 thence due W. 40 chains and set post at S. W. Cor. of allotment 117 thence due N. 20 chains to place of beginning being N. W. Cor. of No. 117.

A tract of land described as follows: Beginning at S. W. Cor. of 117 thence due E. 40 chains to S. E. Cor. of No. 117 thence due S. 20 chains to S. E. Cor. No. 118 and set post "I. A." thence due W. 40 chains to S. W. Cor. of No. 118 and set post "I. A." thence due N. 20 chains to point of beginning being N. W. Cor. of 118.

A tract of land described as follows: Beginning at S. W. Cor. of 118 thence due E. 40 chains to S. E. Cor. of 118 thence due S. 20 chains to S. E. Cor. 119 and set post "I. A." thence due W. 40 chains to S. W. Cor. of 119 and set post thence due N. 20 chains to N. W. Cor. or point of beginning.

A tract of land described as follows: Beginning at S. E. Cor. of 116 thence due E. 40 chains to N. E. Cor. of 122 and set post "I. A." thence S. 20 chains to S. E. Cor. and set post thence due W. 40 chains to S. E. Cor. of No. 117 being S. W. Cor. of No. 122 thence due N. 20 chains to point of beginning, in Sec. 2 or 3.

A tract of land described as follows: Beginning at S. E. Cor. of 117 thence due E. 40 chains to S. E. Cor. of 122 thence due South 20 chains to S. E. Cor. of 123 set post "I. A." thence due W. 40 chains to S. E. Cor. of 118 thence due N. 20 chains to point of beginning, in section 2 or 3.

A tract of land described as follows: Beginning at boundary line N. E. Cor. of No. 116 thence due E. on boundary line 40 chains set post thence due S. 20 chains to N. E. Cor. of 122 thence due W. on line between 122 & 222 to N. W. Cor. of 122 thence N. 20 chains to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at N. E. cor of 222 on boundary line thence due E. 40 chains set post thence due S. 20 chains set post thence due W. 40 chains to S. E. Cor. of 222 thence due N. 20 chains to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at S. E. Cor. of 223 thence due S. 20 chains set post thence due W. 40 chains to N. E. Cor. of 123 thence due N. 20 chains to N. E. of 122 thence due E. 40 chains between line of 223 and 224 to place of beginning, in section 1 or 2.

Schedule—Cont'd.

A tract of land described as follows: Beginning at S. E. Cor. of 224 thence due S. 20 chains set post thence due W. 40 chains to S. E. Cor. of 123 thence due N. 20 chains to S. W. Cor. of 224 thence due E. 40 chains between line 224 & 225 to place of beginning, in section 1 or 2.

A tract of land described as follows: Beginning at S. E. Cor. of 225 thence due S. 20 chains set post thence due W. 40 chains set post thence due N. 20 chains to S. W. Cor. 225 thence due E. 40 chains on line between 225 & 226 to point of beginning, in section 1 or 2.

A tract of land described as follows: Beginning on boundary line at N. E. Cor. of 223 thence on boundary line due E. 20 chains set post thence due S. 40 chains set post thence due W. 20 chains to S. E. Cor. of 224 thence due N. 40 chains to place of beginning, in section 1 or 2.

Township 40 North, Range 29 East.

A tract of land described as follows: Set post on International boundary line being N. E. Cor. of 120 thence due S. 20 chains to S. E. Cor. and set post "I. A." thence due W. 40 chains and set post being S. W. Cor. of 120 thence due N. 20 chains to boundary line set post "I. A." being N. W. Cor. thence on boundary line 40 chains to point of beginning, in section 5 or 6.

A tract of land described as follows: Beginning at SE. ¼ of 120 thence due S. 20 chains to S. E. Cor. and set post "I. A." thence W. 40 chains to S. W. Cor. and set post thence due N. 20 chains to N. W. Cor. thence due East 40 chains to point of beginning, Sec. 5 or 6.

NE ¼ and S. ½ of Sec. 32; S ½ SE ¼ and S ½ SW ¼ of Sec. 33.

Township 40 North, Range 30 East.

E ½ NW ¼ SW ¼ of Sec. 3; W ½ W ½ SW ¼ of. Sec. 15; NE ¼ SE ¼ and all that part of the S ½ of S ½ of N ½ of NE ¼ lying south and east of Myers Creek, all that part of S ½ NE ¼ lying east of Myers Creek, and all that part of the NW ¼ SE ¼ lying east of Myers Creek and all that part of the S ½ SE ¼ lying east of Myers Creek in Sec. 16; W ½ of SW ¼ of NE ¼, W ½ of NW ¼ of SE ¼, E ½ SW ¼, and all that part of W ½ SW ¼ lying east of Myers Creek except one acre in Reno Quartz claim of Sec. 21; S ½ SE ¼ of Sec. 25; S ½ of W ½ of NE ¼ of NW ¼, S. ½ of E ½ of NW ¼ of NW ¼; S. ½ of E ½ of W ½ of NW ¼ of NW ¼; E ½ of N ½ of SW ¼ of NW ¼, SE ¼ of SW ¼ of NW ¼ and N ½ of NW ¼ of SE ¼ of NW ¼ of Sec. 28; W ½ SE ¼ SE¼ of Sec. 29; S ½ NW ¼ and SW ¼ of Sec. 30; E ½ NE ¼ and W ½ NE ¼ of SE ¼ of Sec. 32; S ½ NE ¼ of NW ¼, SE ¼ NW ¼, W ½ of W ½ of W ½ of NW ¼ and NE ¼ SW ¼ of Sec. 33.

Township 40 North, Range 31 East.

S ½ NE ¼, W ½ SE ¼ and NE ¼ SW ¼ of Sec. 25.

Township 40 North, Range 32 East.

E ½ SE ¼ NE ¼ and E ½ of E ½ of SE ¼ of Sec. 9; SW ¼ NE ¼, S ½ NW ¼, W ½ SE ¼ and SW ¼ of Sec. 10; W ½ of W ½ of NE ¼, W ½ of NE ¼ of NW ¼, SE ¼ NW ¼, NE ¼ SW ¼ and SW ¼ SW ¼ and all that part of W ½ NW ¼ lying east of Kettle River, and all that part of NE ¼ NW ¼ lying east of Kettle River of Sec. 15; the E ½ NE ¼ NE ¼ and all that part of SE ¼ SE ¼ lying east of Kettle River in Sec. 16; lot 5 and all that part of the NW ¼ SW ¼, W ½ of NW ¼ of NE ¼ of SW ¼, SW ¼ of NE ¼ of SW ¼, NE ¼ of SW ¼ of SW ¼, and SE ¼ SW ¼ lying east of Kettle River in Sec. 22, Lot 1, W ½ of SE ¼ of NW ¼ of SW ¼, all of NE ¼ of NW ¼ of NW ¼, SW ¼ SW ¼, and SW ¼ NW ¼ of SW ¼ lying east of Kettle River in Sec. 26; E ½ of NW ¼, E ½ SW ¼, W ½ SE ¼, SE ¼ SE ¼ and lots 2, 3, 4, and 5 of Sec. 27; lot 3 of Sec. 30; E ½ NE ¼, NW ¼ NE ¼, E ½ of SW ¼ of NE ¼, E ½ of NW ¼ of SE ¼ and E ½ SE ¼ of Sec. 34; W ½ of NW ¼ of NE ¼ of NW ¼, W ½ of SE ¼ of SW ¼, lots 1, 2, 3 and 4 and all that part of SW ¼ SW ¼ lying east of Kettle River.

Township 40 North, Range 33 East.

SE ¼ SE ¼ of Sec. 12; NE ¼ NE ¼, W ½ NE ¼, NE ¼ NW ¼, N ½ SE ¼ and SE ¼ SE ¼ of Sec. 13.

Township 40 North, Range 34 East.

S ½ NE ¼, SE ¼ NW ¼ and lots 1, 2 and 3 of Sec. 1; E ½ SW ¼ and lots 3, 6, 7, 8 and 11 of Sec. 3; SW ¼ NE ¼, S ½ NW ¼, N ½ SW ¼ and lots 1, 2, 3, 4, 5 and 6 of Sec. 4; SE ¼ NE ¼ and NE ¼ SE ¼ of Sec. 5; SW ¼ SW ¼ of Sec. 7; E ½ SE ¼ of Sec. 8; E ½ NE ¼, N ½ SE ¼ and lots 1, 4 and 6 of Sec. 9; N ½ NW ¼, SW ¼ NW ¼ and NW ¼ SW ¼ of Sec. 10; SW ¼ SW ¼ of Sec. 13; S ½ NE ¼, SE ¼ and SE ¼ SW ¼ of Sec. 14; NW ¼ NE ¼ and NE ¼ NW ¼ of Sec. 15; E ½ NE ¼ of Sec. 17; NW ¼ NW ¼ of Sec. 18; SW ¼ NE ¼, SE ¼ NW ¼, NW ¼ SE ¼ and NE ¼ SW ¼ of Sec. 19; N ½ NE ¼, Sec. 23; NW ¼ NE ¼ and lots 1 and 2 of Sec. 30.

Schedule—Cont'd.

Township 40 North, Range 35 East.

N ½ of SE ¼ of NW ¼ and lots 3, 4 and N ½ of lot 5 of Sec. 6.

Township 40 North, Range 39 East.

SW ¼ SE ¼, SE ¼ SW ¼ of Sec. 25; SE ¼ NE ¼ and lot 1 of Sec. 35; NE ¼ NE ¼, SW ¼ NE ¼, NW ¼ and lots 1, 2, 3 and 4 of Sec. 36.

Township 40 North, Range 40 East.

SW ¼ SE ¼ of Sec. 11; NW ¼ NE ¼ of E ½ SE ¼ of Sec. 19; S ½ NE ¼, S½ NW ¼ and S ½ of Sec. 20; S ½ NE ¼, SE ¼ NW ¼, NW ¼ SE ¼, N ½ SW ¼, SW ¼ SW ¼ and lot 1 of Sec. 21; lots 2 and 3 of Sec. 22, lot 2 of Sec. 28; NE ¼ NW ¼ and lots 1 and 2 of Sec. 29; E ½ NE ¼, SW ¼ NE ¼, E½ NW ¼ and lot 1 of Sec. 30; lots 3 and 4 of Sec. 31.

April 16, 1901.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas by Executive order dated December 27, 1875, sections 8 and 9, township 15 south, range 2 east, San Bernardino meridian, California, were with certain other tracts of land withdrawn from the public domain and reserved for the use of the Capitan Grande band or village of Mission Indians; and

Mission Indians, California.

Whereas the Commission appointed under the provisions of the act of Congress approved January 12, 1891, entitled "An act for the relief of the Mission Indians in the State of California" (U. S. Stat. L., vol. 26, p. 712), selected for the said Capitan Grande band or village of Indians certain tracts of land and intentionally omitted and excluded from said selection the said sections 8 and 9, township 15 south, range 2 east, and reported that the tracts thus omitted included the lands upon which were found the claims of Arthur F. Head and others; and

Whereas the report and recommendations of the said Commission were approved by Executive order dated December 29, 1891, which order also directed that "all of the lands mentioned in said report are hereby withdrawn from settlement and entry until patents shall have issued for said selected reservations, and until the recommendations of said Commission shall be fully executed, and, by the proclamation of the President of the United States, the lands or any part thereof shall be restored to the public domain;" and

Whereas a patent was issued March 10, 1894, to the said Indians for the lands selected by the Commission as aforesaid, and which patent also excluded the said sections 8 and 9, township 15 south, range 2 east; and

Whereas it appears that the said Arthur F. Head can not make the requisite filings on the land occupied by him until it shall have been formally restored to the public domain, and that no good reason appears to exist for the further reservation of the said sections for the said band of Indians:

Executive orders, ante p. 830, modified.

Now, therefore, I, William McKinley, President of the United States, by virtue of the power in me vested, do hereby declare and make known that the Executive orders dated December 27, 1875, and December 29, 1891, are so far modified as to except from their provisions sections 8 and 9 of township 15 south, range 2 east, San Bernardino meridian, and the said sections are hereby restored to the public domain.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 16th day of April, in the year of our Lord one thousand nine hundred and one, and of the independence of the United States the one hundred and twenty-fifth.

WILLIAM MCKINLEY.

By the President:
JOHN HAY, *Secretary of State.*

June 25, 1901.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.
Ante, p. 729.

Whereas the act of Congress entitled "An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians and for other purposes," approved on the first day of March, nineteen hundred and one, contains a provision as follows:

> That the agreement negotiated between the Commission to the Five Civilized Tribes and the Muscogee or Creek tribe of Indians, at the City of Washington on the eighth day of March, nineteen hundred, as herein amended, is hereby accepted, ratified, and confirmed, and the same shall be of full force and effect when ratified by the Creek national council. The principal chief, as soon as practicable after the ratification of this agreement by Congress, shall call an extra session of the Creek national council and lay before it this agreement and the Act of Congress ratifying it, and if the agreement be ratified by said council, as provided in the constitution of said nation, he shall transmit to the President of the United States the act of council ratifying the agreement, and the President of the United States shall thereupon issue his proclamation declaring the same duly ratified, and that all the provisions of this agreement have become law according to the terms thereof: *Provided*, That such ratification by the Creek national council shall be made within ninety days from the approval of this act by the President of the United States,

And whereas the principal chief of the said tribe has transmitted to me an act of the Creek national council entitled "An act to ratify and confirm an agreement between the United States and the Muscogee Nation of Indians of the Indian Territory," approved the twenty-fifth day of May, nineteen hundred and one, which contains a provision as follows:

> That said Agreement, amended, ratified and confirmed by the Congress of the United States, as set forth in said Act of Congress approved March 1, 1901, is hereby accepted, ratified and confirmed on the part of the Muscogee Nation and on the part of the Muscogee or Creek tribe of Indians constituting said Nation, as provided in said Act of Congress and as provided in the Constitution of said Nation, and the Principal Chief is hereby authorized to transmit this Act of the National Council ratifying said Agreement to the President of the United States as provided in said Act of Congress.

And whereas paragraph thirty-six of said agreement contains a provision as follows:

> This provision shall not take effect until after it shall have been separately and specifically approved by the Creek national council and by the Seminole general council; and if not approved by either, it shall fail altogether, and be eliminated from this agreement without impairing any other of its provisions.

And whereas there has been presented to me an act of the Creek national council entitled "An Act to disapprove certain provisions, relating to Seminole citizens, in the agreement between the Muscogee Nation and the United States, ratified by Congress March 1, 1901," approved the twenty-fifth day of May, nineteen hundred and one, by which the provisions of said paragraph thirty-six are specifically disapproved:

Agreement with Creek Indians ratified.

Now, therefore, I, William McKinley, President of the United States, do hereby declare said agreement, except paragraph thirty-six thereof, duly ratified and that all the provisions thereof, except said paragraph thirty-six which failed of ratification by the Creek national council, became law according to the terms thereof upon the twenty-fifth day of May, nineteen hundred and one.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-fifth day of June, in the year of our Lord one thousand nine hundred and one and
[SEAL.] of the Independence of the United States the one hundred and twenty-fifth.

WILLIAM MCKINLEY

By the President:
DAVID J. HILL,
Acting Secretary of State.

July 4, 1901.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.
Ante, p. 560.

Whereas, by an agreement between the Wichita and affiliated bands of Indians on the one part, and certain commissioners of the United States on the other part, ratified by act of Congress approved March 2, 1895 (28 Stat., 876, 894), the said Indians ceded, conveyed, transferred and relinquished, forever and absolutely, without any reservation whatever, unto the United States of America, all their claim, title and interest of every kind and character in and to the lands embraced in the following described tract of country now in the Territory of Oklahoma, to wit:

Lands ceded by Wichita, etc., Indians.

Commencing at a point in the middle of the main channel of the Washita River where the ninety-eighth meridian of west longitude crosses the same, thence up the middle of the main channel of said river to the line of 98° 40′ west longitude, thence on said line of 98° 40′ due north to the middle of the channel of the main Canadian River, thence down the middle of the said main Canadian River to where it crosses the ninety-eighth meridian, thence due south to the place of beginning.

And whereas, in pursuance of said act of Congress ratifying said agreement, allotments of land in severalty have been regularly made to each and every member of said Wichita and affiliated bands of Indians, native and adopted, and the lands occupied by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively;

Ante, p. 708.

And whereas, by an agreement between the Comanche, Kiowa and Apache tribes of Indians on the one part, and certain commissioners of the United States on the other part, amended and ratified by act of Congress, approved June 6, 1900 (31 Stat., 672, 676), the said Indian tribes, subject to certain conditions which have been duly performed, ceded, conveyed, transferred, relinquished and surrendered forever and absolutely, without any reservation whatsoever, expressed or implied, unto the United States of America, all their claim, title and interest of every kind and character in and to the lands embraced in the following described tract of country now in the Territory of Oklahoma, to wit:

Lands ceded by Comanche, Kiowa, and Apache Indians.

Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one-hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

And whereas, in pursuance of said act of Congress ratifying the agreement last named, allotments of land in severalty have been regularly made to each member of said Comanche, Kiowa and Apache tribes of Indians; the lands occupied by religious societies or other organizations for religious or educational work among the Indians have been regularly allotted and confirmed to such societies and organizations, respectively; and the Secretary of the Interior, out of the lands ceded by the agreement last named, has regularly selected and set aside for the use in common for said Comanche, Kiowa and Apache tribes of Indians, four hundred and eighty thousand acres of grazing lands;

And whereas, in the act of Congress ratifying the said Wichita agreement, it is provided— Ante, p. 560.

That whenever any of the lands acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of under the general provisions of the homestead and townsite laws of the United States: *Provided*, that in addition to the land office fees prescribed by statute for such entries the entry man shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entry man has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, shall not be abridged: *And provided further*, That any qualified entry man having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres, may take sufficient land from said reservation to make his homestead entry not to exceed one hundred and sixty acres in all, said land to be taken upon the same conditions as are required of other entry men: *Provided*, That said lands shall be opened to settlement within one year after said allotments are made to the Indians.

* * * * * * *

That the laws relating to the mineral lands of the United States are hereby extended over the lands ceded by the foregoing agreement.

And whereas in the act of Congress ratifying the said Comanche, Kiowa and Apache agreement, it is provided— Ante, p. 708.

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided further*, That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged: *And provided further*, That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraces less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further*, That the settlers who located on that part of said lands called and known as the 'neutral strip' shall have preference right for thirty days on the lands upon which they have located and improved.

* * * * * * *

That should any of said lands allotted to said Indians, or opened to settlement under this Act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this Act, and the mineral laws of the United States are hereby extended over said lands.

31 Stat., 727.

And whereas, by the act of Congress approved January 4, 1901 (31 Stat., 727), the Secretary of the Interior was authorized to extend, for a period not exceeding eight months from December 6, 1900, the time for making allotments to the Comanche, Kiowa, and Apache Indians and opening to settlement the lands so ceded by them;

31 Stat., 1093.

And whereas, in pursuance of the act of Congress approved March 3, 1901 (31 Stat., 1093), the Secretary of the Interior has regularly subdivided the lands so as aforesaid respectively ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians into counties, attaching portions thereof to adjoining counties in the Territory of Oklahoma, has regularly designated the place for the county seat of each new county, has regularly set aside and reserved at such county seat land for a townsite to be disposed of in the manner provided by the act of Congress last named, and has regularly caused to be surveyed, subdivided, and platted the lands so set aside and reserved for disposition as such townsites;

And whereas, by the act of Congress last named, it is provided—

> The lands to be opened to settlement and entry under the Acts of Congress ratifying said agreements respectively shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner in which these lands may be settled upon, occupied and entered by persons entitled thereto under the Acts ratifying said agreements, respectively; and no person shall be permitted to settle upon, occupy or enter any of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

And whereas, by the act of Congress last named the President was authorized to establish two additional United States land districts and land offices in the Territory of Oklahoma to include the lands so ceded as aforesaid, which land districts and land offices have been established by an order of even date herewith;

And whereas all of the conditions required by law to be performed prior to the opening of said tracts of land to settlement and entry have been, as I hereby declare, duly performed;

Lands ceded by Wichita, Comanche, Kiowa, and Apache Indians open to entry Aug. 6, 1901.

Now therefore, I, William McKinley, President of the United States of America, by virtue of the power vested in me by law, do hereby declare and make known that all of the lands so as aforesaid ceded by the Wichita and affiliated bands of Indians, and the Comanche, Kiowa, and Apache tribes of Indians, respectively, saving and excepting sections sixteen, thirty-six, thirteen and thirty-three in each township, and all lands located or selected by the Territory of Oklahoma as indemnity school or educational lands, and saving and excepting all lands allotted in severalty to individual Indians, and saving and excepting all lands allotted and confirmed to religious societies and other organizations, and saving and excepting the lands selected and set aside as grazing lands for the use in common for said Comanche, Kiowa, and Apache tribes of Indians, and saving and excepting the lands set aside and reserved at each of said county seats for disposition as townsites, and saving and excepting the lands now used, occupied, or set apart for military, agency, school, school farm, religious, Indian cemetery, wood reserve, forest reserve, or other public uses, will, on the 6th day of August, 1901, at 9 o'clock a. m., in the manner herein prescribed and not otherwise, be opened to entry and settlement and to disposition under the general provisions of the homestead and townsite laws of the United States.

Registration of applicants.

Commencing at 9 o'clock a. m., Wednesday, July 10, 1901, and ending at 6 o'clock p. m., Friday, July 26, 1901, a registration will be had at the United States land offices at El Reno and Lawton, in the Territory of Oklahoma (the office at Lawton to occupy provisional quarters in the immediate vicinity of Fort Sill, Oklahoma Territory, until suitable quarters can be provided at Lawton), for the purpose of ascertaining what persons desire to enter, settle upon, and acquire title to any of said lands under the homestead law and of ascertaining their qualifications so to do. The registration at each office will be for both land districts, but at the time of registration each applicant will be required to elect and state in which district he desires to make entry. To obtain registration each applicant will be required to show himself duly qualified to make homestead entry of these lands under existing laws and to give the registering officer such appropriate matters of description and identity as will protect the applicant and the government against any attempted impersonation. Registration can not be effected through the use of the mails or the employment of an agent, excepting that honorably discharged soldiers and sailors entitled to the benefits of section 2304 of the Revised Statutes of the United States, as amended by the act of Congress approved March 1, 1901 (31 Stat., 847), may present their applications for registration and due proofs of their qualifications through an agent of their own selection, but no person will be permitted to act as agent for more than one such soldier or sailor. No person will be permitted to register more than once or in any other than his true name. Each applicant who shows himself duly qualified will be registered and given a non-transferable certificate to that effect, which will entitle him to go upon and examine the lands to be opened hereunder in the land district in which he elects to make his entry; but the only purpose for which he may go upon and examine said lands is that of enabling him later on, as herein provided, to understandingly select the lands for which he will make entry. No one will be permitted to make settlement upon any of said lands in advance of the opening herein provided for, and during the first sixty days following said opening no one but registered applicants will be permitted to make homestead settlement upon any of said lands, and then only in pursuance of a homestead entry duly allowed by the local land officers, or of a soldier's declaratory statement duly accepted by such officers.

R. S., 2304.
31 Stat., 847.

Entries determined by drawings.
Regulations.

The order in which, during the first sixty days following the opening, the registered applicants will be permitted to make homestead entry of the lands opened hereunder, will be determined by drawings for both the El Reno and Lawton districts publicly held at the United States land office at El Reno, Oklahoma, commencing at 9 o'clock a. m., Monday, July 29, 1901, and continuing for such period as may be necessary to complete the same. The drawings will be had under the supervision and immediate observation of a committee of three persons whose integrity is such as to make their control of the drawing a guaranty of its fairness. The members of this committee will be appointed by the Secretary of the Interior, who will prescribe suitable compensation for their services. Preparatory to these drawings the registration officers will, at the time of registering each applicant who shows himself duly qualified, make out a card, which must be signed by the applicant, stating the land district in which he desires to make homestead entry, and giving such a description of the applicant as will enable the local land officers to thereafter identify him. This card will be at once sealed in a separate envelope, which will bear no other distinguishing label or mark than such as may be necessary to show that it is to go into the drawing for the land district in which the applicant desires to make entry. These envelopes will be separated according to land districts and will be carefully preserved and remained sealed until opened in the course of the drawing as herein provided. When the registration is completed all of these sealed envelopes will be brought together at the place of drawing and turned over to the committee in charge of the drawing, who, in such manner as in their judgment will be attended with entire fairness and equality of opportunity, shall proceed to draw out and open the separate envelopes and to give to each enclosed card a number in the order in which the envelope containing the same is drawn. While the drawings for the two districts will be separately conducted they will occur as nearly at the same time as is practicable. The result of the drawing for each district will be certified by the committee to the officers of the district and will determine the order in which the applicants may make homestead entry of said lands and settlement thereon.

Notice of drawings.

Notice of the drawings stating the name of each applicant and number assigned to him by the drawing will be posted each day at the place of drawing, and each applicant will be notified of his number by a postal-card mailed to him at the address, if any, given by him at the time of registration. Each applicant should, however, in his own behalf employ such measures as will insure his obtaining prompt and accurate information of the order in which his application for homestead entry can be presented as fixed by the drawing. Applications for homestead entry of said lands during the first sixty days following the opening can be made only by registered applicants and in the order established by the drawing. At each land office, commencing Tuesday, August 6, 1901, at 9 o'clock a. m., the applications of those drawing numbers 1 to 125, inclusive, for that district must be presented and will be considered in their numerical order during the first day, and the applications of those drawing numbers 126 to 250, inclusive, must be presented and will be considered in their numerical order during the second day, and so on at that rate until all of said lands subject to entry under the homestead law, and desired thereunder, have been entered. If any applicant fails to appear and present his application for entry when the number assigned to him by the drawing is reached, his right to enter will be passed until after the other applications assigned for that day have been disposed of, when he will be given another opportunity to make entry, failing in which he will be deemed to have abandoned his right to make entry under such drawing. To obtain the allowance of a homestead entry each applicant must personally present the certificate of registration theretofore issued to him, together with a regular homestead application and the necessary accompanying proofs, and with the regular land office fees, but an honorably discharged soldier or sailor may file his declaratory statement through the agent representing him at the registration. The production of the certificate of registration will be dispensed with only upon satisfactory proof of its loss or destruction. If at the time of considering his regular application for entry it appears that any applicant is disqualified from making homestead entry of these lands his application will be rejected, notwithstanding his prior registration. If any applicant shall register more than once hereunder, or in any other than his true name, or shall transfer his registration certificate he will thereby lose all the benefits of the registration and drawing herein provided for, and will be precluded from entering or settling upon any of said lands during the first sixty days following said opening.

Presentation of application numbers.

Preference right of settlers on "neutral strip."
Ante, p. 7[illegible].

Because of the provision in the said act of Congress approved June 6, 1900: "That the settlers who located on that part of said lands called and known as the 'neutral strip' shall have preference right for thirty days on the lands upon which they have located and improved," the said lands in the "neutral strip" shall for the period of thirty days after said opening be subject to homestead entry and townsite entry only by those who have heretofore located upon and improved the same, and who are accorded a preference right of entry for thirty days as aforesaid. Persons entitled to make entry under this preference right will be permitted to do so at any time during said period of thirty days following the opening without previous registration, and without regard to the drawing herein provided for, and at the expiration of that period the lands in said "neutral strip" for which no entry shall have been made will come under the general provisions of this proclamation.

Adjoining lands.
Ante, pp. 563, 704.

The intended beneficiaries of the provision in the said acts of Congress, approved, respectively, March 2, 1895, and June 6, 1900, which authorizes a qualified entryman having lands adjoining the ceded lands, whose original entry embraced less than 160 acres, to enter so much of the ceded lands as will make his homestead entry contain in the aggregate not exceeding 160 acres, may obtain such an extension of his existing entry, without previous registration and without regard to the drawing herein provided for, only by making appropriate application, accompanied by the necessary proofs, at the proper new land office at some time prior to the opening herein provided for.

Town-site entries

Any person or persons desiring to found, or to suggest establishing a townsite upon any of said ceded lands at any point not in the near vicinity of either of the county seats therein heretofore selected and designated as aforesaid, may, at any time before the opening herein provided for, file in the proper local land office a written application to that effect describing by legal subdivisions the lands intended to be affected, and stating fully and under oath the necessity or propriety of founding or establishing a town at that place. The local officers will forthwith transmit said petition to the Commissioner of the General Land Office with their recommendation in the premises. Such Commissioner, if he believes the public interests will be subserved thereby, will, if the Secretary of the Interior approve thereof, issue an order withdrawing the lands described in such petition, or any portion thereof, from homestead entry and settlement and directing that the same be held for the time being for townsite settlement, entry, and disposition only. In such event the lands so withheld from homestead entry and settlement will, at the time of said opening and not before, become subject to settlement, entry, and disposition under the general townsite laws of the United States. None of said ceded lands will be subject to settlement, entry, or disposition under such general townsite laws except in the manner herein prescribed until after the expiration of sixty days from the time of said opening.

County seats.

Attention is hereby especially called to the fact that under the special provisions of the said act of Congress approved March 3, 1901, the townsites selected and designated at the county seats of the new counties into which said lands have been formed can not be disposed of under the general townsite laws of the United States, and can only be disposed of in the special manner provided in said act of Congress, which declares:

> The lands so set apart and designated shall, in advance of the opening, be surveyed, subdivided, and platted, under the direction of the Secretary of the Interior, into appropriate lots, blocks, streets, alleys, and sites for parks of public buildings, so as to make a town site thereof: *Provided*, That no person shall purchase more than one business and one residence lot. Such town lots shall be offered and sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at sales to be had at the opening and subsequent thereto.

Warning against premature entry.

All persons are especially admonished that under the said act of Congress approved March 3, 1901, it is provided that no person shall be permitted to settle upon, occupy, or enter any of said ceded lands except in the manner prescribed in this proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry. After the expiration of the said period of sixty days, but not before, any of said lands remaining undisposed of may be settled upon, occupied and entered under the general provisions of the homestead and townsite laws of the United States in like manner as if the manner of effecting such settlement, occupancy and entry had not been prescribed herein in obedience to law.

Settlement of undisposed lands.

Wire fences not to be destroyed, etc.

It appearing that there are fences around the pastures into which, for convenience, portions of the ceded lands have heretofore been divided, and that these fences are of considerable value and are still the property of the Indian tribes ceding said lands to the United States, all persons going upon, examining, entering, or settling upon any of said lands are cautioned to respect such fences as the property of the Indians and not to destroy, appropriate, or carry away the same, but to leave them undisturbed so that they may be seasonably removed and preserved for the benefit of the Indians.

Regulations.

The Secretary of the Interior shall prescribe all needful rules and regulations necessary to carry into full effect the opening herein provided for.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fourth day of July, in the year of our Lord one thousand nine hundred and one, and of the Independence of the United States the one hundred and twenty-sixth.

[SEAL.]

WILLIAM MCKINLEY

By the President:
DAVID J. HILL,
Acting Secretary of State.

May 7, 1902.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Ante, p. 704.

Whereas, by an agreement between the Shoshone and Bannock Indians of the Fort Hall Reservation in Idaho, on the one part and certain commissioners of the United States on the other part, ratified by act of Congress approved June 6, 1900 (31 Stat., 672), the said Indians ceded, granted, and relinquished to the United States all right, title, and interest which they had to the following described land, the same being a part of the land obtained through the treaty of Fort Bridger on the third day of July, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine:

All that portion of the said reservation embraced within and lying east and south of the following described lines:

Lands ceded by the Shoshoni and Bannock Indians.

Commencing at a point in the south boundary of the Fort Hall Indian Reservation, being the southwest corner of township nine (9) south, range thirty-four (34) east of the Boise meridian, thence running due north on the range line between townships 33 and 34 east to a point two (2) miles north of the township line between townships five (5) and six (6) south, thence due east to the range line between ranges 35 and 36 east, thence south on said range line four (4) miles, thence due east to the east boundary line of the reservation; from this point the east and south boundaries of the said reservation as it now exists to the point of beginning, namely, the southwest corner of township nine (9) south, range thirty-four east, being the remainder of the description and metes and bounds of the said tract of land herein proposed to be ceded.

Ante, p. 704.

And whereas, in pursuance of said act of Congress ratifying said agreement, allotments of land have been regularly made to each Indian occupant who desired it, and a schedule has been made of the lands to be abandoned and the improvements thereon appraised, and such improvements will be offered for sale to the highest bidder at not less than the appraised price prior to the date fixed for the opening of the ceded lands to settlement, and the classification as to agricultural and grazing lands has been made;

And whereas, in the act of Congress ratifying said agreement it is provided:

Lands opened to settlement.
Ante, p. [illegible].

> That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, townsite, stone and timber, and mining laws of the United States only, excepting as to price and excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common school purposes and be subject to the laws of Idaho: *Provided*, That all purchasers of lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of ten dollars per acre; all agricultural lands not under said canal shall be paid for at the rate of two dollars and fifty cents per acre, and grazing lands at the rate of one dollar and twenty-five cents per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but no purchaser shall be permitted in any manner to purchase more than one hundred and sixty acres of the land hereinbefore referred to; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.
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> * * * * * * *
>
> No lands in sections sixteen and thirty-six now occupied, as set forth in article three of the agreement herein ratified shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: *Provided*, That none of said lands shall be disposed of under the townsite laws for less than ten dollars per acre: *And provided further*, That all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior for not less than ten dollars per acre: *And provided further*, That any mineral lands within said five mile limit shall be disposed of under the mineral land laws of the United States, excepting that the price of such mineral lands shall be fixed at ten dollars per acre, instead of the price fixed by the said mineral land laws.

And whereas, all the conditions required by law to be performed prior to the opening of said lands to settlement and entry have been, as I hereby declare, duly performed, except the sale of the improvements mentioned above, but as this is not considered a bar to the opening of the unallotted and unreserved lands to settlement and entry,

Lands ceded by Shoshoni and Bannock Indians open to entry June 17, 1902.

Exceptions.

Ante, p. [illegible].

Now, therefore, I, THEODORE ROOSEVELT, President of the United States of America, by virtue of the power vested in me by law, do hereby declare and make known that all of the lands so as aforesaid ceded by the Shoshone and Bannock Indians, saving and excepting all lands allotted to the Indians, and saving and excepting the lands on which the Indian improvements have been appraised, and saving and excepting the sixteenth and thirty-sixth sections in each Congressional township, and saving and excepting Lots 7 and 8, section 21, NW ¼ SW ¼ and Lots 9 and 10, section 22, T. 9 S., R. 38 E., B. M., known as "Lava Hot Springs" and saving and excepting all of the lands within five miles of the boundary line of the town of Pocatello, Idaho, and saving and excepting the lands ceded under the Act of September 1, 1888 (25 Stat., 452), for the purposes of a townsite, will on the 17th day of June, 1902, at and after the hour of 12 o'clock, noon, (Mountain Standard time), be opened to settlement and entry under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in the statutes above specified, and the laws of the United States applicable thereto.

Ante, p. [illegible].

Ante, p. [illegible].

In view of the provision in said act "That all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior for not less than ten dollars per acre," the lands, "within five miles of the boundary line of the town of Pocatello," saving and excepting all lands allotted to the Indians, and saving and excepting the sixteenth and thirty-sixth sections in each Congressional township, and saving and excepting the lands ceded under the Act of September 1, 1888 (25 Stat., 452), for the purposes of a townsite. will on the 17th day of July, 1902, at and after the hour of 12 o'clock, noon (Mountain Standard time), be offered at public auction at not less than ten dollars per acre, under the terms and subject to all the conditions, limitations, reservations and restrictions, contained in the statutes above specified, and the laws of the United States applicable thereto.

Preference right of entry on "neutral strip."
Ante, p. 708.

Because of the provision in the act ratifying said agreement that "The purchaser of said improvements shall have thirty days after such purchase for preference right of entry, under the provisions of this Act, of the lands upon which the improvements purchased by him are situated, not to exceed one hundred and sixty acres," the said lands upon which such Indian improvements purchased are situated outside of the lands within five miles of the town of Pocatello, shall for the period of thirty days after said opening be subject to homestead entry, townsite entry, stone and timber entry, and entry under the mineral laws only by those who may have purchased the improvements thereon, and who are accorded a preference right of entry for thirty days as aforesaid, such entries to be made in accordance with the terms and conditions of this Act. Persons entitled to make entry under this preference right will be permitted to do so at any time during the said period of thirty days following the opening, and at the expiration of that period any of said lands not so entered will come under the general provisions of this proclamation.

Ante, p. 708.

The purchaser of the improvements on lands situated within five miles of the town of Pocatello will have no preference right of entry of the tract on which such improvements are situated, as the law provides that "all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction."

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington the 7th day of May in the year of our Lord one thousand nine hundred and two, and of the Independence of the United States the one hundred and twenty-sixth.

[SEAL.]

THEODORE ROOSEVELT

By the President:
JOHN HAY
Secretary of State.

May 29, 1902.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas by Executive order dated December 27, 1875, section 7, township 15 south, range 2 east, San Bernardino meridian, California, was with certain other tracts of land withdrawn from the public domain and reserved for the use of the Capitan Grande band or village of Mission Indians; and

Mission Indian reserves, California.

Whereas the Commission appointed under the provisions of the act of Congress approved January 12, 1891, entitled "An act for the relief of the Mission Indians in the State of California" (U. S. Stat. L., vol. 26, p. 712), selected for the said Capitan Grande band or village of Indians certain tracts of land and intentionally omitted and excluded from such selection the said section 7, township 15 south, range 2 east, and reported that the tracts thus omitted included the lands upon which were found the claims of Jacob Kuhner and others; and

Whereas the report and recommendations of the said Commission were approved by Executive order dated December 29, 1891, which order also directed that "All of the lands mentioned in said report are hereby withdrawn from settlement and entry until patents shall have issued for said selected reservations, and until the recommendations of said Commission shall be fully executed, and, by the proclamation of the President of the United States, the lands or any part thereof shall be restored to the public domain;" and

Whereas a patent was issued March 10, 1894, to the said Indians for the lands selected by the Commission as aforesaid, and which patent also excluded the said section 7, township 15 south, range 2 east; and

Whereas it appears that the said Jacob Kuhner can not make the requisite filings on the land occupied by him until it shall have been formally restored to the public domain, and that no good reason appears to exist for the further reservation of the said section for the said band of Indians:

Executive orders, ante, p. 890, modified.

Now, therefore I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested, do hereby declare and make known that the Executive orders dated December 27, 1875, and December 29, 1891, are so far modified as to except from their provisions section 7 of township 15 south, range 2 east, San Bernardino meridian, and the said section is hereby restored to the public domain.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 29th day of May, in the year of our Lord one thousand nine hundred and two, and of the Independence of the United States the one hundred and twenty-sixth.

THEODORE ROOSEVELT.

By the President:
DAVID J. HILL,
Acting Secretary of State.

June 23, 1902.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas, in the opening of the Kiowa, Comanche, Apache, and Wichita Indian lands in the Territory of Oklahoma, by proclamation dated July 4, 1901, pursuant to section six of the Act of Congress approved June 6, 1900 (31 Stat., 672, 676), the west half of the southeast quarter of the southeast quarter and lot fourteen, of section sixteen in township seven north, of range ten west of the Indian principal meridian, containing thirty eight acres and sixty hundredths of an acre, were reserved for the use of the Kiowa and Comanche Indian Agency;

Ante, p. 708.

And whereas, it appears that said land is no longer used or required for use by said Indian agency, and that it adjoins the City of Anadarko, Oklahoma Territory, and is needed by said city for park purposes, the mayor of which city has applied to make entry thereof for said purposes under the act of Congress approved September 30, 1890 (26 Stat., 502).

26 Stat., 502.

Kiowa and Comanche Indian Agency.

Land restored to public domain for park purposes at Anadarko City, Okla.

Now, therefore, I, THEODORE ROOSEVELT, President of the United States, by virtue of the power in me vested by section six of said act of Congress of June 6, 1900, do hereby declare and make known that said land is hereby restored to the public domain, to be disposed of to said city for park purposes under said act of Congress approved September 30, 1890.

In witness whereof I have hereunto set my hand caused the seal of the United States to be affixed.

Done at the City of Washington this 23rd day of June, in the year
of our Lord one thousand nine hundred and two and of the
[SEAL.] Independence of the United States the one hundred and
twenty sixth.

THEODORE ROOSEVELT

By the President:
DAVID J. HILL,
Acting Secretary of State.

APPENDIX I.

REVISED SPELLING OF NAMES OF INDIAN TRIBES AND BANDS.

The spelling of the names of Indian tribes, bands, etc., contained in the following list has been agreed upon by the Bureau of American Ethnology and the Indian Bureau. So far as practicable the names are spelled phonetically, but it has been found advisable in several instances to retain, unchanged, names of foreign origin and those that have long been used as geographic terms. Except in the few instances noted the same form should be used for both singular and plural. Where a cross reference is given, the spelling referred to is the one adopted.

Absaroka, see Crow
Acoma
Aionai
Algonquian (stock)
Algonkin (tribe)
Alsea
Anadarko
Apache
Arapaho
Arikara
Assiniboin
Bannock
Blackfoot (pl. Blackfeet)
Blood (pl. Bloods)
Bois Fort Chippewa
Brulé
Caddo
Cahuila, see Kawia
Calapooya, see Kalapuya
Calispel, see Kalispel
Capote
Cayuga
Cayuse
Chastacosta
Chehalis
Chemehuevi
Cherokee
Chetco
Cheyenne
Chickasaw
Chilkat
Chinook
Chippewa
Chiricahua
Choctaw
Clackamas (singular and plural)
Clallam
Clatsop
Clickatat, see Klikitat
Cochiti
Coahuila, see Kawia
Coconino, see Havasupai
Cocopa
Cœur d'Alène
Colville
Comanche
Concow
Coos
Coquille
Cowlitz
Coyotero
Cree
Creek, or Muskogee (pl. Creeks)
Crow (pl. Crows)
Dakota
Delaware (pl. Delawares)
Dwamish
Euchee, see Yuchi
Flathead (pl. Flatheads)
Fox (pl. Foxes)
Gila Apache
Goship
Goshute
Grosventre (pl. Grosventres)
Hano (Hopi village)
Havasupai
Hidatsa
Hoh
Hoopa, see Hupa
Hopi[a]
Hualapai, see Walapai
Humptulip
Hunkpapa
Hupa
Huron, see Wyandot
Ioni, see Aionai
Iowa
Iroquois
Isleta
Jemez
Jicarilla
Joshua
Kaibab
Kalapuya
Kalispel
Kansa
Kaskaskia
Kaw, see Kansa
Kaweah, see Kawia
Kawia
Kickapoo
Kiowa
Klamath
Klikitat
Kootenai, see Kutenai
Kutenai
Kwapa, see Quapaw
Kwatami
Lac Courte Oreille
Laguna
Lake Indians
Lakmiut
L'Anse
Lipan
Luckamute, see Lakmiut
Lummi
Mac qua noot na, see Mikonotuni.
Mahican
Makah
Mandan
Maricopa
Mdewakanton
Menominee
Mescalero
Methow
Miami
Mikonotuni
Mimbreño
Miniconjou
Minitaree, see Hidatsa
Mishongnovi (Hopi village)
Missouri
Moache
Modoc
Mogollon
Mohave
Mohawk
Mohican, see Mahican
Moki, see Hopi[a]
Molala
Montauk
Moqui, see Hopi
Muckleshoot
Munsee
Muskogee (or Creek)
Nambe
Natchez
Navaho
Nespelim
Nestucca
Nez Percé (pl. Nez Percés)
Nisqualli
Nomelaki
Nooksak
Oglala
Ojibwa, see Chippewa
Okinagan
Omaha
Oneida
Onondaga
Osage
Oraibi (Hopi village)
Oto
Ottawa
Ozette
Paguate (Laguna village)
Paiute
Paloos
Panaca
Papago
Paraje (Laguna village)
Pawnee
Paviotso
Pend d'Oreille
Pennacook
Peoria
Picuris
Piegan
Piankashaw
Pima
Pisquow
Pit River Indians
Pojoaque
Polacco, see Polakakai
Polakakai
Ponca
Potawatomi
Pueblo
Puyallup
Qualtso
Quapaw
Quinaielt
Quileute
Queet, see Qualtso
Ree, see Arikara
Sac, see Sauk
Saint Regis
Salish
Sans Arcs (sing. and pl.)
Sandia
Sanpoil
Santee
Santiam
Sauk
Seminole
Seneca
Shawnee
Shebit, see Shivwits
Sheepeater, see Tukuarika
Shipaulovi (Hopi village)
Shivwits
Shoshoni
Shumopovi (Hopi village)
Sia
Sichumovi (Hopi village)
Siletz
Sioux
Sixes, see Kwatami
Sisseton
Sklallam
Skokomish
Spokan
Squaxon
Stockbridge
Supai, see Havasupai
Swinomish
Tabequache
Taos
Tenino
Tesuque
Teton
Tillamook
Tonawanda
Tonkawa
Tonto Apache
Tootootna, see Tututni
Towakoni
Tukuarika ("Sheepeater")
Tulalip
Tuscarora
Tututni
Uchee, see Yuchi
Uinta
Ukie, see Yuki
Umatilla
Umpqua
Uncompahgre
Unkpapa, see Hunkpapa
Ute
Vieux Désert, Chippewa
Waco
Wahpeton
Wailaki
Walapai
Wallawalla
Walpi (Hopi village)
Wasco
Washaki
Washo
Wazhazhe
Wea
Wenatchi
Wichita
Wichumni
Wiminuche
Winnebago
Winibigoshish
Wyandot
Wylacki, see Wailaki
Yakima
Yaqui
Yaquina
Yanktonai
Yankton
Yavapai
Yava Supai, see Havasupai
Yuchi
Yuki
Yuma
Zia, see Sia
Zuñi

[a] Hopi is the proper tribal name, Moki being an opprobrious nickname.

STATEMENT OF FUNDS OF INDIAN TRIBES HELD IN TRUST BY THE UNITED STATES GOVERNMENT.

Tribe and fund.	Law establishing.	Amount in Treasury.	Annual interest.
Apache, Kiowa, and Comanche	June 6, 1900, ante, p. 709	$2,000,000.00	$100,000.00
Blackfoot Reservation 4 per cent fund	July 1, 1898, ante, p. 604	165,446.68	6,617.87
Cherokee asylum fund	April 1, 1880, ante, p. 28	64,147.17	3,207.37
Cherokee national fund	do	1,428,543.21	71,427.16
Cherokee orphan fund	do	374,679.31	18,733.96
Cherokee school fund	do	851,919.21	42,595.96
Cheyenne and Arapaho in Oklahoma fund	do	1,000,000.00	50,000.00
Chickasaw national fund	do Mar. 3, 1901, ante, p. 741	1,206,695.66 60,000.00	60,334.78 ......
Chippewa and Christian fund	Apr. 1, 1880, ante, p. 28	1,889.83	94.49
Choctaw	Jan. 20, 1825, vol. 2, p. 211 June 22, 1855, vol. 2, p. 709	390,257.92	19,512.89
Choctaw general fund	Apr. 1, 1880, ante, p. 28	348,523.00	17,426.15
Choctaw orphan fund	do	39,710.69	1,985.53
Choctaw school fund	do	49,472.70	2,473.64
Creek general fund	do	1,473,562.95	73,678.14
Creek	Aug. 7, 1856, vol. 2, p. 756 June 14, 1866, vol. 2, p. 931	200,000.00 275,168.00	10,000.00 13,758.40
Crow fund	Aug. 27, 1892, ante, p. 450	171,005.04	8,550.25
Crow Creek 4 per cent fund	Mar. 2, 1895, ante, p. 559	168,335.10	6,733.40
Fort Belknap Reservation 4 per cent fund	July 1, 1898, ante, p. 601	190,065.85	7,602.63
Fort Hall Reservation 4 per cent fund	June 6, 1900, ante, p. 704	375,000.00	15,000.00
Iowa	May 17, 1854, vol. 2, p. 222	57,500.00	2,875.00
Iowa fund	Apr. 1, 1880, ante, p. 28	171,543.37	8,577.16
Kaw	June 14, 1846, vol. 2, p. 552	135,000.00	6,750.00
Kaw general fund	June 29, 1888, ante, p. 285	27,079.38	1,353.97
Kaw school fund	Apr. 1, 1880, ante, p. 28	27,174.41	1,358.72
Kickapoo	May 18, 1854, vol. 2, p. 634	66,554.48	3,327.72
Kickapoo general fund	Apr. 1, 1880, ante, p. 28	91,300.79	4,565.03
Kickapoo in Oklahoma fund	June 10, 1896, ante, p. 597	33,443.82	1,672.19
L'Anse and Vieux Désert Chippewa fund	Apr. 1, 1880, ante, p. 28	20,000.00	1,000.00
Menominee fund	do	153,039.36	7,651.96
Menominee log fund	June 12, 1890, ante, p. 304	1,376,343.40	68,817.17
Nez Percé of Idaho fund	Aug. 15, 1894, ante, p. 540	5,137.01	256.85
Omaha fund	Apr. 1, 1880, ante, p. 28	464,545.47	23,227.27
Osage	June 2, 1825, vol. 2, p. 217	69,120.00	3,456.00
Osage fund	Apr. 1, 1880, ante, p. 28 July 5, 1870, 16 Stat., 362 May 9, 1872, 17 Stat., 91 June 16, 1880, ante, p. 186	8,311,070.55	415,553.52
Osage school fund	Apr. 1, 1880, ante, p. 28	119,911.53	5,995.58
Oto and Missouri fund	Aug. 15, 1876, ante, p. 167	700,598.46	35,029.92
Pawnee fund	Apr. 12, 1876, ante, p. 159	400,001.15	20,000.06
Ponca fund	Mar. 3, 1881, ante, p. 191	70,000.00	3,500.00
Potawatomi	June 5 and 17, 1846, vol. 2, p. 557	230,064.20	11,503.21
Potawatomi education fund	Apr. 1, 1880, ante, p. 28	76,993.93	3,849.70
Potawatomi general fund	do	89,618.57	4,480.93
Potawatomi mill fund	do	17,482.07	874.10
Puyallup 4 per cent school fund	Mar. 3, 1893, ante, p. 487	67,995.52	2,719.82
Round Valley general fund	Oct. 1, 1890, ante, p. 376	2,312.04	115.60
Sauk and Fox of the Mississippi	Oct. 21, 1837, vol. 2, p. 497 Oct. 11, 1842, vol. 2, p. 546	200,000.00 800,000.00	10,000.00 40,000.00
Sauk and Fox of the Mississippi fund	Apr. 1, 1880, ante, p. 28	12,164.96	608.25
Sauk and Fox of the Mississippi in Oklahoma fund	do	252,033.23	12,601.66
Sauk and Fox of the Mississippi in Iowa fund	June 10, 1896, ante, p. 597	38,603.98	1,930.20
Sauk and Fox of the Missouri	Oct. 21, 1837, vol. 2, p. 497	157,400.00	7,870.00
Sauk and Fox of the Missouri fund	Apr. 1, 1880, ante, p. 28	21,659.12	1,082.96
Seminole general fund	do	1,500,000.00	75,000.00
Seminole	Aug. 7, 1856, vol. 2, p. 756 Mar. 21, 1866, vol. 2, p. 910	500,000.00 70,000.00	25,000.00 3,500.00
Seneca of New York	June 27, 1846, 9 Stat., 35	118,050.00	5,902.50
Seneca fund	Apr. 1, 1880, ante, p. 28 Mar. 3, 1901, ante, p. 742	40,979.60 78,800.00	2,048.98 ......
Seneca and Shawnee fund	Apr. 1, 1880, ante, p. 28	15,140.42	757.02
Seneca (Tonawanda Band) fund	do	86,950.00	4,347.50
Shawnee, Eastern Band	Mar. 3, 1901, ante, p. 742	20,600.00	......
Shoshoni and Bannock fund	July 3, 1882, ante, p. 200	43,684.24	2,184.21
Siletz general fund	Aug. 15, 1894, ante, p. 533	97,950.00	4,897.50
Sioux fund	Mar. 2, 1889, ante, p. 335	3,000,000.00	150,000.00
Sisseton and Wahpeton fund	Apr. 1, 1880, ante, p. 28	893,684.85	44,684.24
Stockbridge consolidated fund	Feb. 6, 1871, ante, p. 128	75,988.60	3,799.43
Tonkawa fund	Mar. 3, 1893, ante, p. 495	25,725.00	1,286.25
Umatilla general fund	Apr. 1, 1880, ante, p. 28	159,164.90	7,958.24
Umatilla school fund	do	36,740.27	1,837.01
Ute 5 per cent fund	Apr. 29, 1874, ante, p. 152	500,000.00	25,000.00
Ute 4 per cent fund	June 15, 1880, ante, p. 186	1,250,000.00	50,000.00
Uinta and White River Ute fund	Apr. 1, 1880, ante, p. 28	3,616.11	180.80
Winnebago	Nov. 1, 1837, vol. 2, p. 498 July 15, 1870, ante, p. 127	804,909.17 78,340.41	40,245.45 3,917.02
Yankton Sioux fund	Aug. 15, 1894, ante, p. 528	480,000.00	24,000.00
Amount of fund held as above stated		35,096,037.47	
Amount of annual interest			1,721,913.55

STATEMENT SHOWING TITLE OF INDIAN TREATIES, WITH DESCRIPTION OF ANNUITIES, APPROPRIATIONS, LIABILITIES, AND FUNDS HELD IN TRUST.

Names of treaties.	Description of annuities.	Explanation.	Reference to law.	Annual amount, duration indefinite, liable to be discontinued.	Aggregate of future appropriations to pay limited annuities, incidental.	Amount of annual liabilities of a permanent character.	Amounts held in trust on which 5 per cent is annually paid, and amounts permanently invested at 5 per cent interest.
Apache, Kiowa, and Comanche.	Interest on $2,000,000 at 5 per cent.	Agreement approved by act of June 6, 1900.	Ante, p. 709			$100,000.00	$2,000,000.00
Cheyenne and Arapaho.	Interest on $1,000,000 at 5 per cent.	Agreement approved by act of Mar. 3, 1891.	Ante, p. 415			50,000.00	1,000,000.00
Chippewa of the Mississippi.	Ten installments of annuity, $1,000 each.	One installment due. Treaties of Aug. 2, 1847, and Mar. 19, 1867.	Vol. 2, pp. 567, 974.		$1,000.00		
Choctaw	Permanent annuities.	Treaties of Nov. 16, 1805, art. 2, $3,000; Oct. 18, 1820, art. 13, $600; Jan. 20, 1825, art. 2, $6,000.	Vol. 2, pp. 87, 191, 211.			9,600.00	
Do	Provisions for smith, etc.	Treaty of Oct. 18, 1820, art. 6; Jan. 20, 1825, art. 9.	Vol. 2, pp. 191, 211.			920.00	
Do	Interest on $390,257.92.	Treaty of Jan. 22, 1855, arts. 10 and 13.	Vol. 2. p. 709.			19,512.89	390,257.92
Cœur d'Alene	Fifteen installments of $8,000 each.	Act of Mar. 3, 1891, sec. 19, art. 6. Five installments yet due.	Ante, p. 421		40,000.00		
Do	Employees	Act of Mar. 3, 1891, sec. 19, art. 11.	Ante, p. 422	$8,500.00			
Creek	Permanent annuities.	Treaty of Aug. 7, 1790.	Vol. 2, p. 25			1,500.00	
Do	do	Treaty of June 16, 1802.	Vol. 2, p. 58			3,000.00	
Do	do	Treaties of Jan. 24, 1826, and Aug. 7, 1856.	Vol. 2, pp. 264, 756.			20,000.00	
Do	Smiths, shops, etc.	Treaty of Jan. 24, 1826.	Vol. 2, p. 264.			1,110.00	22,200.00
Do	Wheelwright, permanent	Treaties of Jan. 24, 1826, and Aug. 7, 1856.	Vol. 2, pp. 264, 756.			600.00	12,000.00
Do	Blacksmiths, etc., and agricultural assistants, during the pleasure of the President.	Treaties of Feb. 14, 1833, and Aug. 7, 1856.	Vol. 2, pp. 388, 756.	840.00 270.00 600.00 1,000.00 2,000.00			
Do	Interest on $200,000 held in trust.	Treaty of Aug. 7, 1856, art. 6.	Vol. 2, p. 756.			10,000.00	200,000.00
Do	Interest on $275,168 held in trust, to be expended under the direction of Secretary of Interior.	Treaty of June 14, 1866, art. 3.	Vol. 2, p. 931.			13,758.40	275,168.00
Do	Interest on $2,000,000, at 5 per cent.	Act of Mar. 1, 1889.	Ante, p. 321			73,678.14	1,473,662.95
Crow	Physician, carpenter, farmer, engineer, miller, blacksmith.	Treaty of May 7, 1868.	Vol. 2, p. 1008	4,500.00			
Do	Blacksmith, iron and steel, and seeds and agricultural implements.	do	do	1,500.00			
Do	25 installments of $30,000 each, cash or otherwise, under direction of Secretary of Interior.	Act of Apr. 11, 1882. 5 installments yet due.	Ante, p. 195		150,000.00		
Iowa	Interest on $57,500, being the balance of $157,500.	Treaty of May 17, 1854.	Vol. 2, p. 628.			2,875.00	57,500.00
Iowa in Oklahoma	Five annual installments of $3,000; five of $2,400; five of $1,800; five of $1,200; to be paid per capita.	Act of Feb. 13, 1891; ten installments yet due.	Ante, p. 385		15,000.00		

Statement showing title of Indian treaties, with description of annuities, appropriations, liabilities, and funds held in trust—Continued.

Names of treaties.	Description of annuities.	Explanation.	Reference to law.	Annual amount, duration indefinite, liable to be discontinued.	Aggregate of future appropriations to pay limited annuities, incidental.	Amount of annual liabilities of a permanent character.	Amounts held in trust on which 5 per cent is annually paid, and amounts permanently invested at 5 per cent interest.
Indians of Blackfeet Agency.	Nine annual installments.	Agreement ratified June 10, 1896, art. 2; five installments yet due.	Ante, p. 605		$750,000.00		
Indians of Fort Hall Agency.	Twenty installments of $6,000; expended under direction of Secretary of Interior.	Agreement ratified by act of Feb. 23, 1889; seven installments yet due.	Ante, p. 314		42,000.00		
Kansa	Interest on $135,000, at 5 per cent.	Treaty of Jan. 14, 1846.	Vol. 2, p. 552.			$6,750.00	$135,000.00
Kickapoo	Interest on $66,554.38, at 5 per cent.	Treaty of May 18, 1854.	Vol. 2, p. 684.			3,327.72	66,554.43
Molel	Teacher for manual-training school, subsistence of pupils, etc.	Treaty of Dec. 21, 1855.	Vol. 2, p. 740.	$3,000.00			
Nez Percé	Five matrons for schools, five assistant teachers, farmer, carpenter, and five millers.	Treaty of June 9, 1863.	Vol. 2, p. 848.	6,000.00			
Northern Cheyenne and Arapaho.	Estimated amount for subsistence and civilization.	Agreement ratified by act of Feb. 28, 1877.	Ante, p. 168	90,000.00			
Do	Two teachers, two carpenters, two farmers, miller, blacksmith, engineer, and physician; estimate.	Treaty of May 10, 1868.	Vol. 2, p. 1012	9,000.00			
Osage	Interest on $69,120 at 5 per cent for educational purposes.	Treaty of Jan. 2 1825, and Senate resolution.	Vol. 2, p. 217.			3,456.00	69,120.00
Pawnee	Goods and necessary articles.	Treaty of Sept. 24, 1857.	Vol. 2, p. 764.			30,000.00	
Do	Support of two manual-labor schools and pay of teachers.	do	do	10,000.00			
Do	Iron and steel and articles for shops; pay of two blacksmiths, one of whom is a tin and gun smith; two strikers and apprentices. Estimate: Iron, etc., $500; blacksmiths, $1,200, and strikers, $480.	do	do	2,180.00			
Do	Farming implements and stock; farmer, miller, engineer, and apprentices in working mill and repairing grist and saw mill. Estimated amount.	do	do	4,400.00			
Ponca	To be expended for civilization, during the pleasure of the President.	Treaty of Mar. 12, 1858.	Vol. 2, p. 772.	15,000.00			
Potawatomi	Permanent annuity in money.	Treaty of Aug. 3, 1795.	Vol. 2, p. 30.			357.80	7,156.00
Do	do	Treaty of Sept. 30, 1809.	Vol. 2, p. 101.			178.90	3,578.00
Do	do	Treaty of Oct. 2, 1818.	Vol. 2, p. 168.			894.60	17,892.00
Do	do	Treaty of Sept. 20, 1828.	Vol. 2, p. 294.			715.60	14,312.00

Statement showing title of Indian treaties, with description of annuities, appropriations, liabilities, and funds held in trust—Continued.

Names of treaties.	Description of annuities.	Explanation.	Reference to law.	Annual amount, duration indefinite, liable to be discontinued.	Aggregate of future appropriations to pay limited annuities, incidental.	Amount of annual liabilities of a permanent character.	Amounts held in trust on which 5 per cent is annually paid, and amounts permanently invested at 5 per cent interest.
Potowatomi	Permanent annuities.	Treaty of July 29, 1829.	Vol. 2, p. 297.			$5,724.77	$114,495.40
Do	Permanent provision for three blacksmiths and assistants, iron, and steel.	Treaties of Oct. 16, 1826; Sept. 20, 1828; July 29, 1829.	Vol. 2, pp. 273, 297.			1,008.99	20,179.80
Do	Permanent provision for salt.	Treaty of July 29, 1829.	Vol. 2, p. 297.			156.54	3,130.80
Do	Permanent provision for money in lieu of tobacco, iron, and steel.	Treaties of Sept. 20, 1828; June 5 and 17, 1846.	Vol. 2, pp. 294, 557.			107.84	2,156.80
Do	Interest on $230,064.20, at 5 per cent.	June 5 and 17, 1846.	Vol. 2, p. 557.			11,503.21	230,064.20
Quapaw	Education, smith, farmer, and smith's shop, during pleasure of the President. $1,000 for education, $500 for smith, etc.	May 13, 1833	Vol. 2, p. 395.	$1,500.00			
Sauk and Fox of Mississippi.	Permanent annuity.	Treaty of Nov. 3, 1804.	Vol. 2, p. 74.			1,000.00	20,000.00
Do	Interest on $200,000, at 5 per cent.	Treaty of Oct. 21, 1837.	Vol. 2, p. 497.			10,000.00	200,000.00
Do	Interest on $800,000, at 5 per cent.	Treaty of Oct. 11, 1842.	Vol. 2, p. 546.			40,000.00	800,000.00
Sauk and Fox of the Mississippi.	Interest on $300,000, at 5 per cent.	Act of Feb. 13, 1891.	Ante, p. 389			15,000.00	300,000.00
Sauk and Fox of Missouri.	Interest on $157,400, at 5 per cent.	Treaty of Oct. 21, 1837.	Vol. 2, p. 497.			7,870.00	157,400.00
Do	Support of school.	Treaty of Mar. 6, 1861.	Vol. 2, p. 811.	200.00			
Seminole	Interest on $500,000, at 5 per cent.	Treaty of Aug. 7, 1856, art. 8.	Vol. 2, p. 756.			25,000.00	500,000.00
Do	Interest on $70,000, at 5 per cent, for support of schools, etc.	Treaty of Mar. 21, 1866.	Vol. 2, p. 910.			3,500.00	70,000.00
Do	Interest on $1,500,000, at 5 per cent.	Act of Mar. 2, 1889.	Ante, p. 340			75,000.00	1,500,000.00
Seneca of N. Y.	Permanent annuities.	Treaty of Feb. 28, 1831.	Vol. 2, p. 325.			6,000.00	120,000.00
Do	Interest on $75,000, at 5 per cent.	Act of June 27, 1846.	9 Stat., 35.			3,750.00	75,000.00
Do	Interest on $43,050, transferred from Ontario Bank to United States Treasury.	do	do			2,152.50	43,050.00
Shoshoni and Bannock:							
Shoshoni	Physicians, carpenter, teacher, engineer, farmer, blacksmith; estimate.	Treaty of July 3, 1868, sec. 10.	Vol. 2, p. 1020.	5,000.00			
Do	Blacksmith, iron and steel; estimate amount.	Treaty of July 3, 1868, sec. 8.	do	1,000.00			
Bannock	Physicians, carpenter, teacher, engineer, farmer, blacksmith; estimate.	Treaty of July 3, 1868, sec. 10.	do	5,000.00			
Shoshoni and Arapaho in Wyoming.	Six installments of $10,000 each.	Agreement ratified by act of June 7, 1897; 1 installment yet due.	Ante, p. 624		10,000.00		
Six nations of New York.	Permanent annuities in clothing, etc.	Treaty of Nov. 11, 1794.	Vol. 2, p. 34.			4,500.00	90,000.00

Statement showing title of Indian treaties, with description of annuities, appropriations, liabilities, and funds held in trust—Continued.

Names of treaties.	Description of annuities.	Explanation.	Reference to law.	Annual amount, duration indefinite, liable to be discontinued.	Aggregate of future appropriations to pay limited annuities, incidental.	Amount of annual liabilities of a permanent character.	Amounts held in trust on which 5 per cent is annually paid, and amounts permanently invested at 5 per cent interest.
Sioux of different tribes, including Santee Sioux of Nebraska.	Blacksmith, and for iron and steel; estimate amount.	Treaty of Apr. 29, 1868.	Vol. 2, p. 998.	$2,000.00			
Do	Physician, 5 teachers, carpenter, miller, engineer, farmer, blacksmith; estimate.	do	do	10,400.00			
Do	Purchase of rations, etc.	Agreement ratified by act of Feb. 28, 1877, art. 5.	Ante, p. 169	1,000,000.00			
Do	Interest on $3,000,000 at 5 per cent.	Act of Mar. 2, 1889, sec. 17.	Ante, p. 335			$150,000.00	$3,000,000.00
Tabeguache band of Ute.	Blacksmith; estimate.	Treaty of Oct. 7, 1863.	Vol. 2, p. 856.	720.00			
Tabequache, Moache, Capote, Wiminuche, Yampa, Grand River, and Uinta bands of Ute.	Iron and steel and blacksmith's tools; estimate.	Treaty of Mar. 2, 1868, art. 9.	Vol. 2, p. 990.	220.00			
Do	Two carpenters, millers, farmers, teachers, and one blacksmith.	Treaty of Mar. 2, 1868, art. 15.	do	7,800.00			
Do	Beef, mutton, wheat, flour, beans, etc., in discretion of Secretary of Interior.	do	do	30,000.00			
Winnebago	Interest on $804,909.17 at 5 per cent.	Treaty of Nov. 1, 1837, and Senate resolution of July 17, 1862.	Vol. 2, p. 498; 12 stat. 628.			40,245.45	804,909.17
Do	Interest on $78,340.41 at 5 per cent to be expended under direction of Secretary of Interior.	Act of July 15, 1870.	Ante, p. 127			3,917.02	78,340.41
Yankton tribe of Sioux.	Twenty installments of $15,000 each, fourth series, to be paid to them or expended for their benefit.	Treaty of April 19, 1858; seven installments yet due.	Vol. 2, p. 776.		$105,000.00		
Total				1,217,690.00	1,113,000.00	758,670.77	13,873,015.86

STATISTICS OF INDIAN AGENCIES AND TRIBES.

Index to agencies and tribes.

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STATISTICS OF AGENCIES AND TRIBES.

BLACKFEET AGENCY, MONT.

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Bloods	
Piegans	

Area, 1,760,000 acres; unallotted.

Railroad station: Blackfoot, on Great Northern Railway. Six miles to agency by stage.

Nearest military post: Fort Assinniboine, Mont.

Post-office address: Browning, Mont.

Telegraphic address: Blackfoot, Mont.

CHEYENNE AND ARAPAHO AGENCY, OKLA.

Tribes.	Population.
Arapaho	1,011
Cheyenne	2,089

Area.	Acres.
Allotted	529,682
Reserved:	
School lands	231,829
Military, agency, etc	22,344
Open for settlement	3,500,562

Railroad station: Darlington, Okla., on Chicago, Rock Island and Pacific Railway. One and one-half miles to agency by stage.

Nearest military post: Fort Reno, Okla.

Post-office address: Darlington, Okla.

Telegraphic address: Darlington, Okla., via Fort Reno, Okla.

CHEYENNE RIVER AGENCY, S. DAK.

Tribes.	Population.
Blackfeet Sioux	2,567
Minneconjou Sioux	
Sans Arcs Sioux	
Two-Kettle Sioux	

Area: 2,867,840 acres, partly surveyed; unallotted.

Railroad station: Gettysburg, on Chicago and Northwestern Railroad. Twenty miles to agency by stage.

Nearest military post: Fort Yates, N. Dak.

Post-office address: Cheyenne Agency, Dewey County, S. Dak.

Telegraphic address: Gettysburg, S. Dak.

COLORADO RIVER AGENCY, ARIZ.

Tribes.	Population.
Mohave	680
Mohave at Needles	700
Mohave at Fort Mohave	1,000
Chemehuevi	150

Area: 240,640 acres, partly surveyed.

Railroad station: Needles, Cal., on Atlantic and Pacific Railroad. One hundred miles to agency by boat.

Nearest military post: Fort Whipple, Ariz.

Post-office address: Parker, Yuma County, Ariz.

Telegraphic address: Yuma, Ariz.

COLVILLE AGENCY, WASH.

Tribes.	Population.
Colville	292
Cœur d'Alêne	506
Upper and Middle Spokan (Cœur d'Alêne Reserve)	145
Lake	310
Lower Spokan	267
Upper and Middle Spokan, on Spokan Reserve	180
Columbia (Moses' Band)	311
Okinagan	[illegible]
Nez Percés (Joseph's Band)	157
Sanpoil and Nespelim	400
Kalispel	162
Total	[illegible]

COLVILLE AGENCY, WASH.—Continued.

Area (unalloted).	Acres.
Columbia	24,220
Colville	2,800,000
Spokan	153,600

Railroad station: Davenport, on Central Washington Railroad (via Spokane). Twenty-seven miles to agency by stage.

Nearest military post: Fort Spokane, Wash.
Post-office address: Miles, Lincoln County, Wash.
Telegraphic address: Fort Spokane, via Davenport, Wash.

CROW AGENCY, MONT.

Tribe.	Population.
Crow	2,003

Area, 3,504,000 acres, partly surveyed; unallotted.
Railroad station: At agency, on Burlington and Missouri Railroad.
Nearest military post: Fort Custer, Mont.
Post-office address: Crow Agency, Mont.
Telegraphic address: Crow Agency, Mont.

CROW CREEK AGENCY, S. DAK.

Tribe.	Population.
Lower Yanktonai Sioux	1,061

Area.	Acres.
Allotted	172,412.81
Reserved	1,076.90
Unallotted	112,051.00

Railroad station: Chamberlain, on Chicago, Milwaukee and St. Paul Railway. Twenty-five miles to agency by stage.

Nearest military post: Fort Niobrara, Nebr.
Post-office address: Crow Creek, Buffalo County, S. Dak.
Telegraphic address: Crow Creek, via Chamberlain, S. Dak.

DEVILS LAKE AGENCY, N. DAK.

Tribes.	Population.
Sioux	1,046
Turtle Mountain Chippewas:	
Full bloods	277
Mixed bloods on reserve	1,484
Mixed bloods outside reserve	421
Mixed bloods on reserve, unrecognized	182
Total	3,410

Area.	Acres.
Allotted, Devils Lake Reserve	131,223
Reserved for agency, school, and church	921
Unallotted:	
Devils Lake Turtle Mountain	144,587

Railroad station: Devils Lake, on Great Northern Railway. Fourteen miles to agency by boat and stage.

Nearest military post: Fort Yates, N. Dak.
Post-office address: Fort Totten, Benson County, N. Dak.
Telegraphic address: Devils Lake, N. Dak.

DIGGER INDIANS IN CALIFORNIA.

These Indians are living on a reservation of 330 acres, 4 miles from Jackson, Cal. They are under the immediate control of a farmer and special disbursing agent. They have no school.

No statistics have been received as to the population.

EASTERN CHEROKEE AGENCY, N. C.

Tribe.	Population.
Eastern Cherokee (under school superintendent)	1,351

Area, 98,211 acres; unallotted.
Railroad station: Whittier, on Richmond and Danville Railroad. Seven miles to school.
Post-office address: Cherokee, N. C.
Telegraphic address: Whittier, N. C.

FLATHEAD AGENCY, MONT.

Tribes.	Population.
Kutenai (from Idaho)	40
Flathead, Pend d'Oreille and Kutenai (confederated)	1,631
Spokan	91
Lower Kalispel	51
Carlos' Band of Flathead	185
Total	1,998

Area, 1,433,600 acres; unallotted.
Railroad station: Arlee, on Northern Pacific Railway. Four and one-half miles to agency by team.
Nearest military post: Fort Missoula, Mont.
Post-office address: Jocko, Mont.
Telegraphic address: Arlee, Mont., and telephone to agency.

FORT APACHE AGENCY, ARIZ.

Tribe.	Population.
White Mountain Apache	1,838

Area, 1,681,920 acres; unallotted.
Railroad station: Holbrook, Ariz., on the Atlantic and Pacific Railroad. Ninety miles to agency by buckboard.
Nearest military post: Fort Apache, Ariz.
Post-office address: Fort Apache, Ariz.
Telegraphic address: Fort Apache, Ariz., via Holbrook, Ariz.

FORT BELKNAP AGENCY, MONT.

Tribes.	Population.
Grosventre	574
Assiniboin	716
Total	1,290

Area; unallotted, 537,600 acres; surveyed.
Railroad station: Harlem Station, on Great Northern Railway. Four miles to agency.
Nearest military post: Fort Assinniboin, Mont.
Post-office address: Harlem, Choteau County, Mont.
Telegraphic address: Harlem Station, Mont.

FORT BERTHOLD AGENCY, N. DAK.

Tribes.	Population.
Arikara	425
Grosventre	460
Mandan	263
Total	1,148

Area, 965,120 acres; unallotted.[a]

Railroad station: Minot, on Great Northern Railway. Seventy miles to agency.

Nearest military post: Fort Yates, N. Dak.

Post-office address: Elbowoods, via Bismarck, N. Dak.

Telegraphic address: Bismarck, N. Dak.

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[a] Allotments made in the field, but not yet approved.

FORT HALL AGENCY, IDAHO.

Tribes.	Population.
Bannock	430
Shoshoni	1,016
Total	1,446

The tribes under this agency are known also as Fort Hall Indians.

Area, 864,000 acres; unallotted.

Railroad station: Rossfork, on Oregon Short Line and Utah Northern Railroad.

Nearest military post: Fort Douglas, Utah.

Post-office address: Rossfork, Bingham County, Idaho.

Telegraphic address: Pocatello, Idaho.

FORT PECK AGENCY, MONT.

Tribes.	Population.
Yanktonai Sioux	1,239
Assiniboin	600
Total	1,839

Area, 1,776,000 acres; unallotted.

Railroad station: Poplar, on Great Northern Railway. One-half mile to agency.

Nearest military post: Fort Assinniboine, Mont.

Post-office address: Poplar, Mont.

Telegraphic address: Poplar, Mont.

GRANDE RONDE AGENCY, OREG.

[Under school superintendent.]

Tribes.	Population.
Molel (absorbed in the tribes below).	
Rogue River	54
Santiam	25
Clackama	64
Luckamute	35
Cow Creek	31
Wapeto	24
Marys River	30
Yam Hill	38
Umpqua	88
Total	389

GRANDE RONDE AGENCY, OREG.—Continued.

Area.	Acres.
Allotted	33,148
Unallotted	26,111
Reserved for agency	440

Railroad station: Sheridan, Oreg. Fifteen miles to school.
Nearest military post: Fort Spokane, Wash.
Post-office address: Grande Ronde, Oreg.
Telegraphic address: Sheridan, Oreg.

GREEN BAY AGENCY, WIS.

Tribes.	Population.
Oneida	1,945
Menominee	1,375
Stockbridge and Munsee	509
Total	3,829

Area of Menominee and Stockbridge reserves, 243,583 acres; unallotted. All of Oneida lands allotted except 84 acres reserved for school purposes.
Railroad station: Shawano, on Chicago and Northwestern Railroad. Eight miles to agency by stage.
Nearest military post: Fort Snelling, Minn.
Post-office address: Keshena, Shawano County, Wis.
Telegraphic address: Shawano, Wis.

HOOPA VALLEY AGENCY, CAL.

[Under school superintendent.]

Tribes.	Population.
Hoopa	510
Klamath	673
Total	1,183

Area.	Acres.
Unallotted, Hoopa Reserve	99,051.00
Allotted	29,143.38
Reserved for 3 villages	68.74

Railroad station: Korbel, on Arcata and Mad River Railway; 44 miles to agency by team.
Nearest military post: Presidio, Cal.
Post-office address: Hoopa, Humboldt County, Cal.
Telegraphic address: Eureka, Cal.

HUALAPAI (WALAPAI) AGENCY, ARIZ.

[Under industrial teacher.]

Tribes.	Population.
Hualapai	598
Yava Supai	261

Area, 730,880 acres, unsurveyed.
Railroad station: Hackberry, Ariz., on Atlantic and Pacific Railway.
Nearest military post: Fort Apache, Ariz.
Post-office address: Hackberry, Ariz.
Telegraphic address: Hackberry, Ariz.

KIOWA AGENCY, OKLA.

Tribes.	Population.
Kiowa	1,128
Comanche	1,553
Apache	193
Wichita and affiliated tribes	961
Total	3,835

Area.	Acres.
Kiowa, Comanche, and Apache Reservation	2,968,893
Wichita and affiliated tribes	743,610
Total (unallotted)	3,712,503

Railroad station: Anadarko, on Chicago, Rock Island and Pacific Railway.
Nearest military post: Fort Sill, Okla.
Post-office address: Anadarko, Okla.
Telegraphic address: Anadarko, Okla.

KLAMATH AGENCY, OREG.

Tribes.	Population.
Klamath	585
Modoc, Paiute, and Pit River	487
Total	1,072

Area, 1,056,000 acres. Allotments being made.
Railroad station: Ager, Cal., on Southern Pacific Railway. Eighty-five miles to agency.
Nearest military post: Vancouver Barracks, Wash.
Post-office address: Klamath Agency, Klamath County, Oreg.
Telegraphic address: Klamath Falls, Oreg.

LA POINTE AGENCY, WIS.

Tribes.	Population.
Chippewa at Red Cliff	212
Chippewa at Bad River	692
Chippewa at Lac Court d'Oreilles	1,143
Chippewa at Lac du Flambeau	770
Chippewa at Fond du Lac	771
Chippewa at Grand Portage	323
Chippewa at Boise Fort	771
Total	4,682

Area.	Acres.
Allotted	127,792
Unallotted	149,694
Reserved for school use	40

Railroad station: Ashland, on Chicago and Northwestern Railway and Wisconsin Central Railway.
Nearest military post: Fort Snelling, Minn.
Post-office address: Ashland, Wis.
Telegraphic address: Ashland, Wis.

LEMHI AGENCY, IDAHO.

Tribes.	Population.
Shoshoni	215
Sheepeater	208
Bannock	85
Total	508

Area, 64,000 acres; unallotted.
Railroad station: Redrock, on Utah and Northern Railroad. Seventy miles to agency by stage.
Nearest military post: Fort Harrison, Mont.
Post-office address: Lemhi Agency, Lemhi County, Idaho.
Telegraphic address: Redrock, Mont.

LOWER BRULÉ AGENCY, S. DAK.

Tribe.	Population.
Lower Brulé Sioux	914

Area, 472,550 acres; unallotted.

Railroad station: Chamberlain, on Chicago, Milwaukee and St. Paul Railroad. Thirty-two miles to agency by stage.

Nearest military post: Fort Crook, Nebr.

Post-office address: Lower Brule, Lyman County, S. Dak.

Telegraphic address: Chamberlain, S. Dak.

MDEWAKANTON SIOUX, IN MINNESOTA.

Population, 907.

They have no reservation, but are living on land in the vicinity of Redwood, Minn., which was purchased for them individually.

They have no school, and are not under the control of any agent.

MACKINAC AGENCY, MICHIGAN.

Tribes.	Population.
L'Anse and Vieux de Sert	830
Chippewa of Saginaw, Swan Creek, and Black River	630
Potawatomi of Huron	77
Ottawa and Chippewa	6,000
Total	7,537

Area.	Acres.
Unallotted, at L'Anse and Ontanagan	5,944
Allotted to L'Anse and Vieux de Sert	48,089

Railroad station: L'Anse, Mich., on Duluth, South Shore and Atlantic Railroad.

Nearest military post:

Post-office address: L'Anse, Mich.

Telegraphic address: L'Anse, Mich.

MESCALERO AGENCY, N. MEX.

Tribe.	Population.
Mescalero Apache	444

Area, 474,240 acres; unallotted.

Railroad station: Alamogordo, on El Paso and Northeastern Railroad. Thirty-one miles to agency.

Nearest military post: Fort Bliss, Tex.

Post-office address: Mescalero, N. Mex.

Telegraphic address: Las Cruces, N. Mex.

MISSION-TULE RIVER AGENCY, CAL.

Tribes.	Population.
Yuma	707
Tule River	175
Mission	2,966
Total	3,848

Area.	Acres.
Unallotted	275,063
Allotted	1,698.70
Reserved for school use	2.70

Railroad station: San Jacinto, on Southern California Railroad.

Nearest military post: Presidio, Cal.

Post-office address: San Jacinto, Riverside County, Cal.

Telegraphic address: San Jacinto, Cal.

NAVAHO AGENCY, ARIZ.

Tribes.	Population.
Navaho	20,500
Hopi Pueblo	2,641

Area, 7,698,560 acres; unallotted.
Railroad station: Gallup, on Atlantic and Pacific Railway. Thirty miles to agency.
Nearest military post: Fort Wingate, N. Mex.
Post-office address: Fort Defiance, Ariz.
Telegraphic address: Gallup, N. Mex.

NEAH BAY AGENCY, WASH.

Tribes.	Population.
Makah	372
Quillehute	241
Hoh	72
Makah at Ozette	50
Total	735

Area, 24,517 acres; unallotted.
Railroad station: Seattle. One hundred and thirty-eight miles to agency by steamer.
Nearest military post: Vancouver Barracks, Wash.
Post-office address: Neah Bay, Clallam County, Wash.
Telegraphic address: Neah Bay, Wash.

NEVADA AGENCY, NEV.

Tribe.	Population.
Paiute at Pyramid Lake	562

Area, 640,815 acres; unallotted.
Railroad station: Wadsworth, on Central Pacific Railroad. Eighteen miles to agency.
Nearest military post: Presidio, Cal.
Post-office address: Wadsworth, Washo County, Nev.
Telegraphic address: Wadsworth, Nev.

NEW YORK AGENCY, N. Y.

Tribes.	Population.
Seneca	2,707
Onondaga	549
Cayuga	161
St. Regis	1,183
Oneida	270
Tuscarora	388
Total	5,318

Area, 87,677 acres.
Railroad station: Salamanca, on New York, Lake Erie and Western Railroad.
Post-office address: Salamanca, N. Y.
Telegraphic address: Salamanca, N. Y

NEZ PERCES AGENCY, IDAHO.

Tribe.	Population.
Nez Perces	1,656

Area.	Acres.
Allotted	180,370.00
Reserved for agency, school, mission, and cemetery	2,170.47
Timber land reserved	32,020.00

Railroad station: Genesee, on Northern Pacific Railway. Ten miles to agency.
Nearest military post: Fort Sherman.
Post-office address: Spalding, Idaho.
Telegraphic address: North Lapwai, Idaho.

OMAHA AND WINNEBAGO AGENCY, NEBR.

Tribes.	Population.
Winnebago	1,173
Omaha	1,202
Total	2,375

Area.	Acres.
Allotted	158,299.50
Unallotted	92,058.00

Railroad station: Dakota, on Chicago, St. Paul, Minnesota and Omaha Railroad. Twenty miles to agency.
Nearest military post: Fort Crook, Nebr.
Post-office address: Winnebago, Thurston County, Nebr.
Telegraphic address: Dakota City, Nebr.

OSAGE AGENCY, OKLA.

Tribes.	Population.
Osage	1,761
Kansa (or Kaw)	211
Total	1,972

Area, 1,570,195 acres; unallotted.
Railroad station: Elgin, Kans., on Atchison, Topeka and Santa Fe Railway. Distance to agency, 25 miles.
Nearest military post: Fort Reno, Okla.
Post-office address: Pawhuska, Okla.
Telegraphic address: Pawhuska, Okla., via Elgin, Kans.

PIMA AGENCY, ARIZ.

Tribes.	Population.
Pima	4,260
Maricopa	340
Papago	663
Papago at San Xavier	561
Papago, Nomadic	2,046
Total	7,870

PIMA AGENCY, ARIZ.—Continued.

Area.	Acres.
Unallotted	458,797.00
Allotted	41,622.65
Reserved for school	14.00

Railroad station: Casa Grande, on Southern Pacific Railway. Fifteen miles to agency.
Nearest military post: Whipple Barracks, Ariz.
Post-office address: Sacaton, Pinal County, Ariz.
Telegraphic address: Casa Grande, Ariz.

PINE RIDGE AGENCY, S. DAK.

Tribes.	Population.
Sioux	6,400
Cheyenne	56
Total	6,456

Area, 3,155,200 acres; unallotted.

Railroad station: Rushville, Nebr., on Fremont, Elkhorn and Missouri Valley Railway. Twenyt-five miles to agency.

Nearest military post: Fort Robinson, Nebr.
Post-office address: Pine Ridge, S. Dak.
Telegraphic address: Pine Ridge, S. Dak.

PONCA, PAWNEE, OTO, AND OAKLAND AGENCY, OKLA.

Tribes.	Population.
Ponca	608
Pawnee	706
Oto and Missouri	360
Tonkawa	57
Total	1,731

Area.	Acres.
Allotted	100,176.33
Unallotted	155,441.05
Reserved	1,524.08

Railroad station: Whiteagle, on Atchison, Topeka and Santa Fe Railway.
Nearest military post: Fort Reno, Okla.
Post-office address: Whiteagle, Okla.
Telegraphic address: Whiteagle, Okla.

POTAWATOMI AND GREAT NEMAHA AGENCY, KANS.

Tribes.	Population.
Potawatomi, Prairie Band	560
Kickapoo	237
Iowa	200
Sauk and Fox of Missouri	77
Munsee	57
Chippewa	21
Total	1,152

Area.	Acres.
Unallotted	23,279.92
Allotted	96,580.35
Reserved for school and cemetery	102.00

Railroad station: Hoyt, on Chicago, Rock Island and Pacific Railway. Ten miles to agency.
Nearest military post: Fort Riley, Kans.
Post-office address: Nadeau, Kans.
Telegraphic address: Hoyt, Kans.

PUEBLO AND JICARILLA AGENCY, N. MEX.

Tribes.	Population.
Pueblo	9,494
Jicarilla Apache	840
Total	10,334

Area.	Acres.
Allotted	129,313
Unallotted	1,193,245
Reserved for mission school and agency	280

Railroad station: Santa Fe, on Atchison, Topeka and Santa Fe Railway.
Nearest military post: Fort Wingate, N. Mex.
Post-office address: Santa Fe, N. Mex.
Telegraphic address: Santa Fe, N. Mex.

PUYALLUP AGENCY, WASH.

[Under school superintendent.]

Tribes.	Population.
Puyallup	520
Chehalis	156
Nisqually	106
Squaxon	118
Sklallam	350
Skokomish	210
Quinaielt	123
Queet	56
Georgetown	103
Humptulip	19
Total	1,766

Area.	Acres.
Allotted	32,142
Unallotted	225,681

Railroad station: Tacoma, on Northern Pacific Railroad.
Nearest military post: Fort Spokane, Wash.
Post-office address: Tacoma, Wash.
Telegraphic address: Tacoma, Wash.

QUAPAW AGENCY, IND. T.

Tribes.	Population.
Peoria, Kaskaskia, Piankeshaw, and Wea	172
Ottawa	162
Quapaw	251
Modoc	51
Seneca	323
Eastern Shawnee	93
Miami	92
Wyandot	325
Total	1,469

Area.	Acres.
Unallotted	37,602
Allotted	173,404
Authorized to be sold	557
Reserved	604

Railroad station: Seneca, Mo., on St. Louis and San Francisco Railway. By private team, 4 miles to agency.
Nearest military post: Fort Reno, Okla.
Post-office address: Seneca, Newton County, Mo.
Telegraphic address: Seneca, Mo.

ROSEBUD AGENCY, S. DAK.

Tribes.	Population
Brulé Sioux	4,451
Loafer Sioux	
Wazhazah Sioux	
Two Kettle Sioux	
Northern Sioux	

Area, 3,228,160 acres; unallotted.

Railroad station: Valentine, on Fremont, Elkhorn and Missouri Valley Railroad. Thirty-five miles to agency.

Nearest military post: Fort Niobrara, Nebr.

Post-office address: Rosebud, S. Dak.

Telegraphic address: Rosebud, S. Dak., via Valentine, Nebr.

ROUND VALLEY AGENCY, CAL.

[Under school superintendent.]

Tribes.	Population.
Concow	164
Little Lake and Redwood	117
Ukie and Wylackie	276
Pitt River and Nomelackie	64
Total	621

Area.	Acres.
Allotted	5,240
Unallotted	32,442
Reserved for school, mission, and cemetery	190
Reserved for agency	180

Railroad station: Ukiah, on San Francisco and Northern Pacific Railroad. Sixty-five miles to school.

Post-office address: Covelo, Cal.

Telegraphic address: Covelo, via Cahto, Cal.

SAN CARLOS AGENCY, ARIZ.

Tribes.	Population.
Coyotero Apache	647
San Carlos Apache	1,288
Tonto Apache	863
Mohave	626
Yuma	42
Total	3,466

Area, 1,834,240 acres; unallotted.

Railroad station: San Carlos, on Gila Valley, Globe and Northern Railway.

Nearest military post: Fort Apache, Ariz.

Post-office address: San Carlos, Ariz.

Telegraphic address: San Carlos, Ariz.

SANTEE AGENCY, NEBR.

Tribes.	Population.
Santee Sioux of Flandreau	296
Santee Sioux	1,019
Poncas of Nebraska	227
Total	1,542

Area.	Acres.
Homesteads	32,875.75
Allotted	66,110.09
Reserved	1,290.70

Railroad station: Springfield, S. Dak., on Chicago, Milwaukee and St. Paul Railway. Three and one-half miles to agency.

Nearest military post: Fort Crook, Nebr.

Post-office address: Santee Agency, Nebr.

Telegraphic address: Springfield, S. Dak.

SAUK AND FOX AGENCY, IOWA.

Tribe.	Population.
Sauk and Fox of Mississippi	388

Area, 2,965 acres; unallotted.

Railroad station: Toledo, Iowa, on Toledo and Northern Iowa Railroad, and Chicago, Milwaukee and St. Paul Railway.

Nearest military post: Fort Omaha, Nebr.

Post-office address: Toledo, Iowa.

Telegraphic address: Toledo, Iowa.

SAUK AND FOX AGENCY, OKLA.

Tribes.	Population.
Sauk and Fox of Mississippi	521
Iowa	89
Absentee Shawnee	493
Mexican Kickapoo	246
Citizen Potawatomi	756
Total	2,105

Area.	Acres.
Allotted	405,369
Reserved	1,810

Railroad station: Stroud, on St. Louis and San Francisco Railway. Five miles to agency.

Nearest military post: Fort Reno, Okla.

Post-office address: Sauk and Fox Agency, Okla.

Telegraphic address: Stroud, Okla.; telephone to agency.

SEMINOLE IN FLORIDA.

[Under industrial teacher.]

Tribe.	Population.
Seminole	575

Area, 8,960 acres; unallotted.

Steamboat landing: Myers, Fla. Forty miles southeast by private conveyance to headquarters.

Post-office address: Myers, Fla.

Telegraphic address: Myers, Fla.

No school.

SHEBITS AND KAIBABS, IN NEVADA.

[Under teacher.]

Population, approximately, 600.

Located at St. George, Cedar City, Muddy, Panaca, and vicinity.

Congress has provided for these Indians as the "Shebit, Cedar City, Muddy, Panaca, and other Indians in the southern part of Utah."

SHOSHONI AGENCY, WYO.

Tribe.	Population.
Shoshoni (or Snake)	842
Northern Arapaho	829
Total	1,671

Area, 1,810,000 acres; unallotted.

Railroad station: Rawlins, on Union Pacific Railway. One hundred and forty-five miles to agency.

Nearest military post: Fort Washakie, Wyo.

Post-office address: Shoshone Agency, Fremont County, Wyo.

Telegraphic address: Shoshone Agency, Wyo.

SILETZ AGENCY, OREG.

Tribe.	Population.
Siletz	497

Area.	Acres.
Allotted	47,716
Ceded to the United States	177,563

Railroad station: Toledo, Oreg., on Oregon Central and Eastern Railroad. Nine miles to agency.
Nearest military post: Boise Barracks, Idaho.
Post-office address: Siletz, Lincoln County, Oreg.
Telegraphic address: Toledo, Oreg.

SISSETON AGENCY, S. DAK.

Tribe.	Population.
Sisseton and Wahpeton Sioux	1,871

Area.	Acres.
Allotted	309,904.92
Reserved (schools)	32,840.25
Reserved (churches and agency)	1,347.01

Railroad station: Sisseton, on Chicago, Milwaukee and St. Paul Railway. Ten miles to agency.
Nearest military post: Fort Niobrara, Nebr.
Post-office address: Sisseton Agency, S. Dak.
Telegraphic address: Sisseton, S. Dak.

SOUTHERN UTE AGENCY, CAL.

Tribe.	Population.
Moache, Capote, and Wiminuchie Ute	1,001

Area.	Acres.
Unallotted	1,021,230.00
Allotted	72,810.65
Reserved	360.00

Railroad station: Ignacio, on Denver and Rio Grande Railroad. One and three-fourths miles to agency.
Nearest military post: Fort Logan, Colo.
Post-office address: Ignacio, La Plata County, Colo.
Telegraphic address: Ignacio, Colo.

STANDING ROCK AGENCY, N. DAK.

Tribes.	Population.
Yanktonai Sioux Hunkpapa Sioux Blackfeet Sioux	3,726

Area, 2,672,640 acres; unallotted.
Railroad station: Bismarck, on Northern Pacific Railway. Sixty-five miles to agency.
Nearest military post: Fort Yates, N. Dak.
Post-office address: Fort Yates, Boreman County, N. Dak.
Telegraphic address: Fort Yates, via Bismarck, N. Dak.

TONGUE RIVER AGENCY, MONT.

Tribe.	Population.
Northern Cheyenne	1,349

Area, 371,200 acres; unallotted.
Railroad station: Rosebud, on Northern Pacific Railway. Sixty miles to agency.
Nearest military post: Camp Merritt, Mont.
Post-office address: Lamedeer, Custer County, Mont.
Telegraphic address: Rosebud, Mont.

TULALIP AGENCY, WASH.

Tribes.	Population.
Dwamish (absorbed in the tribes below).	
Tulalip	465
Madison	163
Lummi	369
Muckleshoot	146
Swinomish	312
Total	1,455

Area.	Acres.
Allotted	34,717
Unallotted	17,906

Railroad station: Marysville (via Seattle), on Marysville and Seattle Railway. Eight miles to agency.
Nearest military post: Fort Walla Walla, Wash.
Post-office address: Tulalip, Snohomish County, Wash.
Telegraphic address: Marysville, Wash.

UINTAH AND OURAY AGENCY, UTAH.

Tribe.	Population.
Uintah Ute at Uintah	470
White River Ute at Uintah	366
Uncompahgre Ute at Ouray	851
White River Ute at Ouray	24
Total	1,711

Area, 3,972,480 acres; unallotted.
Railroad station: Price, on Denver and Rio Grande Railway. One hundred and five miles to agency.
Nearest military post: Fort Duchesne, Utah.
Post-office address: Whiterocks, Utah.
Telegraphic address: Fort Duchesne, Utah.

UMATILLA AGENCY, OREG.

Tribe.	Population.
Cayuse	362
Walla Walla	488
Umatilla	163
Total	1,013

Area.	Acres.
Allotted	76,933
Reserved for school and mission	980
Unallotted	79,820

Railroad station: At agency, on Oregon Railway and Navigation Company Railway.
Nearest military post: Fort Walla Walla, Wash.
Post-office address: Pendleton, Oreg.
Telegraphic address: Pendleton, Oreg.

UNION AGENCY, IND. T.

Tribes.	Population.
Cherokee	32,161
Chickasaw	8,780
Choctaw	18,456
Creek	14,771
Seminole	2,850
Total	77,018

Area, 19,785,286 acres; unallotted.
Railroad station: Muscogee, on Missouri, Kansas and Texas Railway.
Nearest military post: Fort Reno, Okla.
Post-office address: Muscogee, Ind. T.
Telegraphic address: Muscogee, Ind. T.

WALKER RIVER RESERVATION, NEV.

[Under Carson school superintendent.]

Tribe.	Population.
Paiutes	596

Area, 318,815 acres; unallotted.

WARM SPRINGS AGENCY, OREG.

Tribes.	Population.
Warm Springs Wasco Tenino Paiute	962

Area.	Acres.
Allotted	140,696
Reserved	1,195
Unallotted	322,108

Railroad station: The Dalles, on Oregon Railway and Navigation Company's Railroad. Seventy-five miles to agency.
Nearest military post: Vancouver Barracks, Wash.
Post-office address: Warm Springs, Crook County, Oreg.
Telegraphic address: The Dalles, Oreg.

WESTERN SHOSHONI AGENCY, NEV.

Tribes.	Population.
Shoshoni	329
Paiute	227
Total	556

Area, 312,320 acres; unallotted.
Railroad station: Elko, on the Southern Pacific Railway. One hundred and twenty miles to agency by stage.
Nearest military post; Fort Douglas, Utah.
Post-office address: Whiterock, Elko County, Nev.
Telegraphic address: Elko, Nev.

WHITE EARTH AGENCY, MINN.

Tribes.	Population.
Mississippi Chippewa, White Earth	1,498
Mississippi Chippewa, White Oak Point	714
Mississippi Chippewa, Gull Lake	846
Mississippi Chippewa, Mille Lac	1,209
Red Lake Chippewa	1,257
Pembina	325
Leech Lake Pillager Chippewa	1,112
Cass Lake and Winnibigoshish Chippewa	480
Otter Tail Pillager Chippewa	715
Fond du Lac	82
Total	7,833

Area.	Acres.
Unallotted	1,564,526
Allotted	91,544
Reserved	821
Restored to public	154,855
To be opened	167,717

Railroad station: Detroit, on the Northern Pacific Railway. Twenty-two miles to agency.
Nearest military post: Fort Snelling, Minn.
Post-office address: White Earth, Minn.
Telegraphic address: Detroit, Minn.

YAKIMA AGENCY, WASH.

Tribes.	Population.
Yakima, Wasco, and others	1,789
Wild Yakima	120
Total	1,909

Area.	Acres.
Unallotted	627,760
Allotted	171,220
Reserved for agency, school, and church	1,020

Railroad station: North Yakima, on Northern Pacific Railway. Thirty-one miles to agency.
Nearest military post: Fort Spokane, Wash.
Post-office address: Fort Simcoe, Wash.
Telegraphic address: North Yakima, Wash.

YANKTON AGENCY, S. DAK.

Tribe.	Population.
Yankton Sioux	1,728

Area.	Acres.
Allotted	268,568
Reserved for agency, school, and church	1,258

Railroad station: Armour, on Chicago, Milwaukee and St. Paul Railway. Thirty miles to agency by stage.
Nearest military post: Fort Niobrara or Fort Crook, Nebr.
Post-office address: Greenwood, S. Dak.
Telegraphic address: Armour, S. Dak.

APPENDIX II.

Miscellaneous letters and documents pertaining to Executive orders establishing Indian reserves.

INDIAN TERRITORY—FORT SUPPLY MILITARY RESERVE.

[See ante, page 843.]

War Department,
Washington City, April 17, 1882.

Sir: I have the honor, upon recommendation of the commanding general, Department of the Missouri, concurred in by the Lieutenant-General and the General of the Army, to request that a military reservation may be duly declared and set apart by the Executive for the post of Fort Supply, Indian Territory, and with the assent of the Interior Department, that it embrace the following described tract of land, viz:

Township 24 north, range 22 west, in the Indian Territory. Area, 36 square miles, or 23,040 acres.

I have the honor to be, sir, with great respect, your obedient servant,

Robert T. Lincoln, *Secretary of War.*

The President.

[Indorsement.]

Executive Mansion,
Washington, April 18, 1882.

The within request is approved and the reservation is made and proclaimed accordingly. The Secretary of the Interior will cause the same to be noted in the General Land Office.

Chester A. Arthur.

MICHIGAN—OTTAWA AND CHIPPEWA RESERVE.

[See ante, page 849.]

General Land Office, *August 8, 1855.*

Sir: I have the honor to return herewith the letter of the Acting Commissioner of Indian Affairs and its inclosure of the 4th instant, referred by the acting chief clerk of the Department to this office, same day, for report, requesting the withdrawal from sale of certain lands therein described, in the State of Michigan, in order that selections may be made therefrom for the Ottawas and Chippewas of Michigan, under a treaty concluded on the 31st July, 1855.

In reply, I herewith inclose a printed diagram, showing by the red shades the relative positions (as near as can be shown on a small scale) of the tracts requested to be reserved, and have to state that portions of the lands, it appears from an examination of the tract books, have been sold to individuals and selected by the State for swamp lands, and that the small tracts reserved for light-house purposes are embraced thereby. With these exceptions there appears to be no objection to withdrawing the lands temporarily until the contemplated selections are made.

I am, very respectfully, your obedient servant,

Jno. Hood, *Acting Commissioner.*

Hon. Robt. McClelland,
Secretary of Interior.

Department of the Interior,
Washington, August 8, 1855.

Sir: I have the honor to submit herewith for your approval the application from the Indian Office of the 4th instant, for the withdrawal from sale certain tracts of land in the State of Michigan for the purpose of making selections therefrom for the Ottawas and Chippewas of Michigan under a treaty concluded the 31st ultimo.

The matter having been submitted to the General Land Office with a view of ascertaining whether any objection was known there to the proposed withdrawal, the Acting Commissioner replies on this day that no objection was known, with certain exceptions to special tracts previously appropriated.

It is therefore recommended that, with the exception mentioned, the lands referred to be temporarily withdrawn from sale for the purposes desired.

With much respect, your obedient servant,

R. McClelland, *Secretary.*

The President of the United States.

MINNESOTA—FOND DU LAC RESERVE.

[See ante, p. 851.]

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
November 16, 1858.

SIR: I have received a letter from the Commissioner of the General Land Office of the 10th instant, inclosing a copy of the plat and field notes of the survey of the exterior boundary of the Fond du Lac Reservation, made in conformity with the provisions of the fourth clause of the second article of the Chippewa treaty of September 30, 1854, together with a copy of a communication from Peter E. Bradshaw, deputy surveyor, addressed to the surveyor-general of Minnesota.

Mr. Bradshaw represents that the boundary of said reserve does not include the principal settlement of the Indians, which with their improvements are located at "Perch Lake" and its vicinity, which lake is some 3 or 4 miles south of the southern boundary of the reservation as established by said survey.

The deputy surveyor states that the Indians are very much dissatisfied with the location of said boundary line, and they claim that the treaty secured to them Perch Lake.

I am fully satisfied that it was the understanding of the respective parties who negotiated the treaty that the southern boundary line, as therein described, should have embraced the Indian settlements at Perch Lake, and in consideration of the fact that an error has occurred in the description of the line in question, which, if not corrected, would compel the Indians to abandon the only settlement, perhaps, where they can acquire a subsistence, I would respectfully recommend that, with your concurrence, the subject be laid before the President, with a view to such action as may be necessary to withdraw from preemption and sale so much of the public lands in the vicinity of Perch Lake as may be required to protect the interests of the Indians and secure to them their improved settlements in order that appropriate steps may be taken with the approbation of the Executive to settle existing difficulties pertaining to said boundary by subsequent negotiations looking to a change of the lines of the present reserve.

The estimated area of the reservation embraces 125,294 acres, being about 25,000 acres more than was contemplated by the stipulations of the treaty, and therefore I would suggest that the Government as well as the Indians would be benefited by extending the southern boundary so as to include the Indian settlements, and by reducing the aggregate area in order that the reserve may embrace as nearly as possible 100,000 acres.

Very respectfully, your obedient servant,

J. W. DENVER, *Commissioner.*

Hon. J. THOMPSON, *Secretary of the Interior.*

WASHINGTON—COLUMBIA RESERVE.

[See Ante, p. 904.]

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 25, 1894.

SIR: On August 1, 1893, I received, by reference from the General Land Office, a letter dated July 17, 1893, from the register of the local land office at Waterville, Wash., stating that an Indian named Alfred appeared at his office on the date of the said letter with copy of an allotment, numbered 20, in the name of Charles Iswald, an Indian, for lands near the Methow River in Okanogan County, said State; that Indian Alfred stated that Iswald had gone to the Colville Indian Reservation in Washington, abandoning his wife and three children, and had not returned, having been absent for the period of six months; that his wife desired to hold the land embraced within the said allotment, and asked to know if she could do so; that said Iswald remarried after going to the Colville Reservation.

The register adds in his said letter that some action should be taken in the premises to protect the interests of the abandoned wife and her children.

In connection with this matter I have the honor to state that on November 25, 1893, I directed Capt. J. W. Bubb, U. S. A., acting Indian agent of the Colville Agency, said State, to ascertain whether the said Indian Iswald had removed to his reservation and married a second time, and, if there, whether he intended to remain upon the reservation or return to his allotment referred to and care for his first wife and children.

The opinion was expressed in said office letter that it would be well for the agent to correspond with Mrs. Charles Iswald, then in occupancy of the said allotment, and ascertain from her all the facts in her possession in relation to the allotment, its abandonment by the allottee, and her desire to remain thereon and cultivate the same for the use and benefit of herself and children.

The agent was advised that the allotment referred to contained 640 acres and was made to Charles Iswald under the provisions of the Moses agreement, entered into July 7, 1883, and ratified by act of Congress approved July 4, 1884 (23 Stats., 79 and 80), and that the same, with other allotments surveyed for and made to Sar sarp kin and other Indians, was approved by the Acting Secretary of the Interior April 12, 1886.

It was suggested that if the said Charles Iswald intended to remain upon the Colville Reservation and make it his home in the future he should relinquish to the United States his allotment under the said agreement, and the agent was instructed, in the event that the said Indian had so determined, to obtain from him his voluntary relinquishment of his said allotment in order that steps might be taken to allot the lands embraced therein to his wife and children.

The agent was further instructed to make a full report of his action in this matter and forward to this office for its consideration the relinquishment of the allotment mentioned should the Indian execute same.

I am now in receipt of a communication dated January 7, 1894, from the said acting Indian agent, stating that he recently visited the vicinity of Lake Chelan, Washington, and made an effort to see Mrs. Charles Iswald, but that for some reason she failed to be at the place appointed for the meeting (Antoine's house); that he had previously informed her that he desired to confer with her about her husband's claim to the allotment above referred to; that she sent him word by Antoine, a relative, that she would be glad to have the claim for herself and child (only one child now living); that she had not lived on the land for some time and that there were no improvements of any kind on the same.

The said agent further states that he experienced considerable difficulty in finding Charles Iswald under that name; that he claims his correct name is Kis wal a kin; that at Lake Chelan, among Wapato John's people, Iswald is known by the name of Il le acke; that he judges that name would be the best to give his wife in assigning her the allotment, her church name being Rose Marie; that Charles Iswald, now known as Kis wal a kin, lives at present on the Colville Indian Reservation, near Moses Crossing of the Columbia River, with another woman, by whom he has three children; that he states that he does not want his allotment on the old Columbia Reservation, above referred to, and has no intention of ever going back there to live with his former wife, for reasons which the Indian deemed satisfactory to himself.

The agent inclosed the relinquishment of the said Charles Iswald of his allotment, No. 20, containing 640 acres, on the Columbia River, in the vicinity of Lake Chelan, State of Washington, granted to him under the provisions of the Moses treaty and act of Congress above referred to, executing same on January 2, 1894, in the presence of John W. Bubb, acting Indian agent of the Colville Agency, and C. R. Bubb, and transferring thereby to the United States all his right, title, and interest in and to the lands embraced therein.

There is given on the sheet embracing the relinquishment a certificate executed by Robert Flett, interpreter, dated January 2, 1894, to the effect that he was present and witnessed the signing of the relinquishment by the said Charles Iswald, and that he clearly explained its nature to him, and is satisfied that he fully understood the same.

The said Moses agreement entered into July 7, 1883, copy of which may be found by reference to page 70 of the Report of the Commissioner of Indian Affairs for the year ending 1883, provided that all Indians belonging to the band of Chief Moses then living on the Columbia Reservation, in the State of Washington, not removing to the Colville Reservation within two years from the date of said agreement, should be entitled to 640 acres, or 1 square mile, of land to each head of a family or male adult, in the possession and ownership of which they should be guaranteed and protected.

On May 1, 1886, the President issued an Executive order, which may be found on page 75 of Executive Orders relating to Indian Reserves, issued prior to April 1, 1890 (copy herewith), to the effect that the tracts of land in then Washington Territory (now State) surveyed for and allotted to Sar sarp kin and other Indians, in accordance with the provisions of the said act of July 4, 1884 (23 Stats., pp. 79 and 80), which allotments were approved by the Acting Secretary of the Interior April 12, 1886, be set apart for the exclusive use and occupation of said Indians.

The allotment referred to and relinquished by the said Charles Iswald is No. 20, which may also be found on page 79 of said Executive Order pamphlet.

The right and title which the said Indian allottee had in the lands described in said allotment No. 20 was that of possession, use, and occupation; and as he has relinquished whatever right and title he had in and to the land referred to, it would seem that the entire title thereto is vested now in the United States; and as he has abandoned his first wife and ceased to provide for her comfort and welfare, and as she desires to retain possession of and use and occupy the said allotment, it would seem that the same should be reserved to her and her child for that purpose.

As the lands embraced within said allotment are reserved by Executive order of date May 1, 1886, above mentioned, it would appear that proper action in the case would be to present the matter to the President for his approval of the reservation for the purpose indicated. This matter, however, is submitted to you for your determination.

I have prepared and inclose herewith a draft of an order reserving the lands referred to for the purpose indicated, which, if you deem Executive action necessary, may be forwarded to the President for his approval.

The papers in the case and copy of this report are herewith inclosed.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

[Inclosure.]

I, Charles Iswald (correct name Kis-wal-a-kin), do hereby relinquish to the United States all my right, title, and interest in and to the land contained under allotment No. 20 (containing 640 acres), on the Columbia River, in the vicinity of Lake Chelan, in the State of Washington, granted to me under the provisions of the "Moses Treaty," entered into July 7, 1883, and ratified by act of Congress approved July 4, 1884.

Done at Colville Indian Agency, Wash., this 2d day of January, A. D. 1894.

CHARLES ISWALD (his x mark).

In the presence of—

JNO. W. BUBB, *Captain, U. S. A., Agent.*
C. R. BUBB.

I, Robert Flett, interpreter, hereby certify on honor that I was present and witnessed the signing of this instrument by the said Charles Iswald; that I fully explained its nature, and am satisfied he fully understands the same.

ROBERT FLETT, *Interpreter.*

COLVILLE AGENCY, WASH., *January 2, 1894.*

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1894.

The PRESIDENT:

By Executive order of May 1, 1886, the following lands in the Moses Reservation, Washington Territory, were set apart for the exclusive use and occupation of Charles Iswald, a member of said tribe:

"This claim lies about 2 miles in a northeasterly direction from Antoine's claim. It contains no timber, but is mostly fair grazing land, with about 100 acres susceptible of cultivation. No improvements. From pine tree on right bank of Columbia River, blazed on four sides, where rocky spur 200 feet high comes down to near bank, forming narrow pass, from which a blazed pine 36 inches in diameter bears north 177 links distant, run south 13 degrees west (variation 22 degrees east).

"102.25 chains, made stone monument for corner on hillside in view of main trail. Thence run south 5¼ degrees west.

"78.00 chains, made stone monument for corner. Thence south ¼ degree west.

"25.65 chains, made stone monument on bank of Columbia River for corner. Thence with said river to a point of beginning, containing 640 acres of land."

The accompanying letter from the Commissioner of Indian Affairs, dated 25th ultimo, and its inclosures, show that Charles Iswald (Kis wal a kin) abandoned his wife and child some six years ago and moved to the Colville Reservation, Washington, and is now living there with another woman, by whom he has three children, and that, on January 2, 1894, he relinquished his said allotment to the United States.

The wife has made application to the register of the land office at Waterville, Wash., to have the lands in question reserved for her and her child, and the Commissioner is of the opinion that the same should be so reserved.

I have therefore the honor to recommend that the lands set apart by Executive order of May 1, 1886, for the exclusive use and occupation of Charles Iswald, and by him relinquished to the United States, be reserved for the exclusive use and occupation of Mrs. Charles Iswald, or Rose Marie, and her child, and that said authority be indorsed hereon.

I have the honor to be, very respectfully, your obedient servant,

HOKE SMITH, *Secretary.*

[Indorsement.]

EXECUTIVE MANSION, *March 9, 1894.*

Approved:

GROVER CLEVELAND.

Whereas the records show that on the 28th day of November, 1890, Chelan Bob (an Indian) filed in the local land office at Waterville, Wash., his application for the NW. ¼, the N. ½ of the SW. ¼, and lots 1, 2, and 3 of sec. 20, T. 27 N., R. 23 E., Willamette meridian, containing 337.60 acres;

That on December 1, 1890, Cultus Jim (an Indian) filed in said local land office his application for the SE. ¼ of the SE. ¼ of sec. 19, the S. ½ of the SW. ¼, and lot 4 of sec. 20 and lots 2 and 3 of sec. 29 of the said township and range, containing 209.40 acres;

That on December 1, 1890, Long Jim (an Indian) filed in said local land office his application for the NE. ¼ of the NE. ¼ of the SE. ¼ and lot 1 of sec. 11, the W. ½ of sec. 12, lot 1 of sec. 14, and lots 1 and 2 of sec. 13, T. 27 N., R. 22 E., Willamette meridian, containing 525.30 acres, under the agreement entered into July 7, 1883, between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, in then Washington Territory, now State, ratified and confirmed by act of Congress approved July 4, 1884 (23 Stats., pp. 79, 80); and

Whereas all of the land filed for by Chelan Bob, all filed for by Cultus Jim except 40 acres, and all filed for by Long Jim except 80 acres was claimed adversely to said Indians by white settlers, as follows: A. W. La Chapelle, C. H. Abercrombie, Charles A. Barron, Enos B. Peaslee, Harrison Williams, Thomas R. Gibson, Julius Larabee, and Christopher Robinson, who respectively made separate entries of certain tracts of land; and

Whereas the Commissioner of the General Land Office, on July 9, 1892, decided that said Indian applicants are entitled to have allotments of the lands made to them in severalty in the quantities and manner provided in the said agreement of July 7, 1883, and that the right of several white claimants above named to the lands claimed by them is subordinate and subject to the prior and superior right of said Indians, denying the application of said Robinson, holding for cancellation the filing of said Larabee, and suspending and holding for cancellation the entries of said La Chapelle, Abercrombie, Barron, Peaslee, and Williams in so far as they might include any tract of land which might be allotted by the proper authorities to said Indians, and suspending the entry of said Gibson to await such action as might be deemed just and proper in the premises; and

Whereas the Secretary of the Interior, on January 6, 1893, affirmed the said decision of the Commissioner of the General Land Office, appeal having been taken to him by the said white entrymen from the decision of that office; and

Whereas the Secretary of the Interior, on September 23, 1893, denied the motion of said white entrymen for a rehearing in the case; and

Whereas the Commissioner of the General Land Office, on March 20, 1894, canceled on that day on the records of that office the entries made by said white entrymen as follows:

No. 1157, by A. W. Chapelle, for the NE. ¼ SW. ¼ and lots 3 and 4, sec. 20, lots 2 and 3, sec. 29, T. 27 N., R. 23 E., made March 15, 1889.

No. 1163, by C. H. Abercrombie, for E. ½ NW. ¼ and lots 1 and 2, sec. 20, T. 27 N., R. 23 E., made March 15, 1889.

No. 1513, by Charles A. Barron, for NW. ¼ NW. ¼ sec. 20, SW. ¼ SW. ¼ sec. 17, and S. ½ SE. ¼ sec. 18, T. 27 N., R. 23 E., made July 5, 1890.

No. 1526, by Enos B. Peaslee, for lot 1, NE. ¼ SE. ¼, and S. ½ NE. ¼ sec. 11, T. 27 N., R. 22 E., made July 14, 1890.

No. 1528, by Harrison Williams, for E. ½ SE. ¼ sec. 19 and W. ½ SW. ¼ sec. 20, T. 27 N., R. 23 E., made July 16, 1890.

No. 1586, by Thomas R. Gibson, for E. ½ SW. ¼, NW. ¼ SW. ¼, and SW. ¼ SE. ¼ sec. 12, T. 27 N., R. 22 E., made October 17, 1890.

Christopher Robinson (date and number not given) made homestead application for SW. ¼ SW. ¼ sec. 12, and lots 1, 2, and 3, sec. 13, T. 27 N., R. 22 E.

September 17, 1889, Julius Larabee filed D. S. No. 2326 for NW. ¼ NE. ¼, E. ½ NE. ¼ sec. 19, and SW. ¼ NW. ¼ sec. 20, T. 27 N., R. 23 E., all in the State of Washington, and notified the register and receiver of the Waterville local land office, said State, to make proper annotations on their records:

Now, therefore, I, Hoke Smith, Secretary of the Interior, in accordance with the provisions of the said agreement, ratified and confirmed by the said act of Congress, and under the said decision of the General Land Office, affirmed by the Department, do hereby set apart for the exclusive use and occupation of said Indians the following-described lands, namely:

For Chelan Bob the NW. ¼, N. ½ SW ¼, and lots 1, 2, and 3 of sec. 20, T. 27 N., R. 23 E., Willamette meridian, containing 337.60 acres;

For Cultus Jim the SE ¼ SE. ¼ of sec. 19, the S. ½ SW. ¼ and lot 4 of sec. 20, and lots 2 and 3 of sec. 29 of the same township and range, containing 209.40 acres; and

For Long Jim the NE. ¼ NE. ¼ SE. ¼, and lot 1 of sec. 11, W. ½ sec. 12, lot 1, of sec. 14, and lots 1 and 2 of sec. 13, T. 27 N., R. 22 E., Willamette meridian, containing 525.30 acres; all in the State of Washington.

HOKE SMITH, *Secretary.*

APRIL 11, 1894.

The departmental order of April 11, 1894, setting aside certain lands under the Moses agreement concluded July 7, 1883, ratified and confirmed by act of Congress approved July 4, 1884 (23 Stats., pp. 79–80), for the exclusive use and benefit respectively of the Indians therein named (Chelan Bob, Cultus Jim, and Long Jim), is hereby modified and changed so as to eliminate from the allotment made to Long Jim the following described lands: The E. ½ of the SW. ¼ and NW. ¼ of the SW. ¼ of sec. 12, T. 27 N., R. 22 E., Willamette meridian, Washington, the said lands being embraced in the entry of Thomas R. Gibson, No. 1586, which said entry remains intact upon the records of the General Land Office under Department decision of September 23, 1893, modifying Department decision of January 6, 1893, so as to omit from affirmance that part of the General Land Office decision dated July 9, 1892, wherein that office suspended the commuted entry of said Gibson, the allotment to said Indian, Long Jim, as corrected, embracing the following described lands: The NE. ¼ of the NE. ¼ of the SE. ¼ and lot 1 of sec. 11, the NW. ¼ and SW. ¼ of the SW. ¼ of sec. 12, lot 1 of sec. 14, and lots 1 and 2 of sec. 13, T. 27 N., R. 22 E., Willamette meridian, Washington.

HOKE SMITH, *Secretary.*

APRIL 20, 1894.

EXECUTIVE MANSION, *January 19, 1895.*

It is hereby ordered that the tract of land embraced in allotment No. 37, located in the State of Washington, made to an Indian named John Salla-Salla, by the Acting Secretary of the Interior, April 12, 1886, under the Moses agreement entered into July 7, 1883, ratified and confirmed by act of Congress approved July 4, 1884 (23 Stats., pp. 79, 80), lying within the following-described boundaries, viz:

"Commencing at the junction of Johnston Creek and the Okanagan (Okinakane) River; thence by Johnston Creek (variation 22° 15′) south 69° 45′ west 40 chains; built monument of stone on the south bank of Johnston Creek Station —; 8° 15′ west 91.54 chains; built monument of basaltic stone, station —; north 69° 45′ east 117.50 chains to the Okanagan (Okinakane) River; set balm stake 4 inches square, 4 feet long, marked Station 3, north 45° 30′ west 86.53 chains to the place of beginning, the mouth of Johnston Creek. Area 630 acres," and set apart by Executive order of May 1, 1886, for the exclusive use and occupation of said allottee, be, and the same is hereby, restored to the public domain, upon the cancellation of said allotment, which is hereby directed.

GROVER CLEVELAND.

WISCONSIN—LAC DU FLAMBEAU RESERVE.

[See ante, p. 931.]

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
St. Paul, November 14, 1863.

SIR: I inclose herewith Agent L. E. Webb's report from the surveyors of the Lac du Flambeau and Lac Courte Oreille reservations, together with maps, plats, and field notes of the same.

Very respectfully, your obedient servant,

C. G. WYKOFF, *Clerk.*

HON. WM. P. DOLE,
Commissioner Indian Affairs, Washington, D. C.

[Inclosures.]

OFFICE OF THE LAKE SUPERIOR INDIAN AGENCY,
Bayfield, Wis., May 1, 1863.

SIR: I have to request that you proceed as soon as possible to Lac du Flambeau and make surveys of an Indian reservation, as per article 1 of treaty of September 30, 1854.

You will consult with the Indians and as far as practicable carry out their wishes in the selection of the land. I do not deem it necessary to do anything more than run the exterior lines, and you will mark them thoroughly, so that the Indians can understand the limits of the reservation.

* * * * * * *

Very respectfully, your obedient servant,

L. E. WEBB, *Indian Agent.*

A. C. STUNTZ, Esq.,
Surveyor, Bayfield, Wis.

We, the chiefs of Lac du Flambeaux bands of Chippewa Indians, in council assembled, hereby agree to concentrate our Indians to a reservation the boundaries whereof to be defined and marked by actual survey as pointed out to us this day by A. C. Stuntz, surveyor, through our interpreter, William W. Johnson, whenever the agent of Chippewa Indians of Lake Superior requires it.

We also petition said Indian agent, our father, and through him our Great Father, the President, that the above-named surveyor be allowed to select for us lands joining our reservation to make up the full amount covered by lakes that may come within the boundaries whenever subdivided so as to ascertain the same. We also ask that there may be added to our reservation certain sugar free lands to be selected so that each family living on the reservation can have their sugar works within the boundaries of the reservation which will not be embraced in the present reservation.

This to accompany the respects of the said surveyor.

Signed this 26th day of May, 1863.

AH MOOSH (his x mark).
ASH KAN BAH WISH (his x mark).
KE WISH TE NO (his x mark).
A. C. STUNTZ, *Surveyor.*

In the presence of—
WILLIAM W. JOHNSON.
WILLIAM BRADFORD.

[Notes of survey of Lac du Flambeau Indian Reservation, by A. C. Stuntz, in townships 40 and 41 north, ranges 4, 5, and 6 east of the fourth principal meridian in Wisconsin.]

Commencing at the corner to sections 13, 18, 19, and 24, township 40, between ranges 4 and 5; thence east to corner to sections 13, 18, 19, and 24, between ranges 5 and 6; thence south on range line between ranges 5 and 6 to corner to sections 1, 6, 7, and 12, ranges 5 and 6, township 39; thence east to corner to sections 4, 5, 8, and 9, range 6; thence north to corner to sections 4, 5, 32, and 33, townships 41 and 42 north, range 6 east; thence west on said township line to corner to sections 4, 5, 32, and 33, townships 41 and 42, range 4 east; thence south to a point on fourth correction line 715 links west of corner to sections 32 and 33 (a corner of the reservation); thence east on said correction line to said corner to sections 32 and 33; thence continuing east to corner between sections 2, 3, 34, and 35, townships 40 and 41, range 4 east; thence south to corner to sections 14, 15, 22, and 23, township 40 north, range 4 east (a corner of the reservation); thence east to place of beginning.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 26, 1866.

SIR: By the third section of the second article of the treaty, September 30, 1854, with the Chippewa Indians of Lake Superior and the Mississippi, provision is made for setting apart and withholding from sale "a tract of land lying about Lac de Flambeau" * * * "equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed by the President." (Stat. L., vol. 10, p. 1109.)

As the lands in the vicinity of this lake are about to be offered at public sale, you are instructed to withdraw and withhold from sale the lands described in the accompanying copy of a communication from the Commissioner of Indian Affairs of the 22d instant, until such time as the boundaries of the reservation contemplated by the treaty are fully defined.

In acknowledging the receipt of this letter you will report your action under these instructions.

Very respectfully, your obedient servant,

W. T. OTTO, *Acting Secretary.*

HON. J. M. EDMUNDS,
Commissioner of the General Land Office.

APPENDIX III.

DECISION IN THE CASE OF HITCHCOCK v. CHEROKEE NATION.

SUPREME COURT OF THE UNITED STATES.

No. 340.—October term, 1902.

The Cherokee Nation et al., appellants, v. Ethan A. Hitchcock, Secretary of the Interior.

Appeal from the court of appeals of the District of Columbia

[December 1, 1902.—187 U. S., 294.]

This cause was begun on the equity side of the supreme court of the District of Columbia. The complainants named in the bill were the Cherokee Nation, and its principal chief and treasurer and sundry other citizens of the nation, suing on behalf of themselves and of citizens of the nation residing in the Indian Territory. Ethan A. Hitchcock, as Secretary of the Interior, was made sole defendant. It was claimed in the bill that, by virtue of certain treaties and a patent based thereon, the Cherokee Nation was vested with a fee-simple title to its tribal lands in the Indian Territory, and it was also averred that, by a treaty executed in 1835, there was secured to the nation the right, by its national council, to make and carry into effect all such laws as the Cherokees might deem necessary for the government and protection of the persons and property within their own country belonging to their people, or such persons as had connected themselves with them. A synopsis of the pertinent portions of the treaties above referred to is set out in the margin.[a]

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[a] By article 2 of the treaty of May 6, 1828 (7 Stat., 311), the United States, in order to secure to the Cherokee Nation "a permanent home," agreed to "possess the Cherokees, and to guarantee it to them forever," 7,000,000 acres of land, within described boundaries, and in addition "guaranteed to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of the above-described limits, and as far west as the sovereignty of the United States, and their right of soil, extend."

By article 1 of the treaty of February 14, 1833 (7 Stat., 414), the United States, by a corrected description as to the 7,000,000-acre tract, renewed the guaranty as to such tract, the outlet, etc., contained in article 2 of the treaty of 1828, with the reservation respecting use by other Indians of the salt plain, if within the limits of the outlet. The article concluded with the statement that "letters patent should be issued by the United States as soon as practicable for the land hereby granted."

By article 2 of the treaty of December 29, 1835 (7 Stat., 478), after reciting that by the treaties of 1828 and 1833 "the United States guaranteed and secured to be conveyed by patent to the Cherokee Nation of Indians" a described tract of 7,000,000 acres of land, and had further guaranteed to the Cherokee Nation a perpetual outlet west, etc., ceded an additional 800,000 acres of land in the following terms:

"And whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi, the United States in consideration of the sum of five hundred thousand dollars therefore hereby covenant and agree to convey to the said Indians, and their descendants by patent, in fee simple, the following additional tract of land."

By article 3 of the same treaty the United States also agreed—
"that the lands above ceded by the treaty of February 14, 1833, including the outlet, and those ceded by this treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830."

The act of May 28, 1830 (4 Stat., 411), conferred authority upon the President to create districts of territory in lands west of the Mississippi to be exchanged for lands held by Indians in a State or Territory. Respecting the title to the lands so to be given in exchange, it was provided in section 3 as follows:

"SEC. 3. *And be it further enacted*, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or

The patent referred to in the bill was executed on December 31, 1838. It conveyed to the Cherokee Nation the lands secured and guaranteed by the treaties of 1828, 1833, and 1835. In the patent the 7,000,000-acre tract, together with the perpetual outlet, was described as one tract, aggregating 13,574,135.14 acres. In addition, the patent specified the boundaries of a tract of 800,000 acres ceded by the treaty of 1835. The description of the two tracts was succeeded by the following habendum clause:

> Therefore, in execution of the agreements and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant unto the said Cherokee Nation the two tracts of land so surveyed and hereinbefore described, containing in the whole fourteen millions three hundred and seventy-four thousand one hundred and thirty-five acres and fourteen-hundredths of an acre, to have and to hold the same, together with all the rights, privileges, and appurtenances thereto belonging to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain on the western prairie referred to in the second article of the treaty of the twenty-ninth of December, one thousand eight hundred and thirty-five, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article, and subject also to all the other rights reserved to the United States, in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved; and subject also to the condition provided by the act of Congress of the twenty-eighth of May, one thousand eight hundred and thirty, referred to in the above-recited third article, and which condition is, that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same.

Averring that the Cherokee Nation and its citizens possessed the exclusive right to the use, control, and occupancy of its tribal lands, it was alleged that the Secretary of the Interior, without having lawful authority so to do, was assuming the power to and was about to pass favorably upon applications for leases, and was about to grant leases of lands belonging to said nation for the purpose of mining for oil, gas, coal, and other minerals, one such successful applicant being stated to be the Cherokee Oil and Gas Company, an Arkansas corporation. Based upon general allegations of the absence of an adequate remedy at law, the necessity of relief to avoid a multiplicity of suits and to prevent the casting of a cloud upon the title of the nation to its said lands, and the claim that irreparable injury would be caused and wrong and oppression result, and that there would be a deprivation of property rights of the complainants and of other citizens of the Cherokee Nation, an injunction was prayed against further action by the Secretary of the Interior in the premises. A demurrer was filed to the bill upon the grounds following:

> 1. Said bill is bad in substance and for want of equity, and does not state facts sufficient to entitle complainants to the relief prayed for or to any relief.
> 2. The court has no jurisdiction over the subject-matter of the suit.
> 3. There is a defect of parties defendant.

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grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States, if the Indians become extinct or abandon the same."

The article of the treaty of 1835 upon which is based the claim that an exclusive right is vested in the Cherokee Nation to the use, control, and occupancy of its tribal lands is the following (7 Stat., 481):

"Article 5. The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall, in no future time without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: *Provided always*, That they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the government of the same."

By the treaty of August 6, 1846 (9 Stat., 871), providing for an adjustment of the differences theretofore existing between different portions of the people constituting and recognized as the Cherokee Nation of Indians, it was provided in article 1 as follows:

"That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit; and a patent shall be issued for the same, including the eight hundred thousand acres purchased, together with the outlet west, promised by the United States, in conformity with the provisions relating thereto, contained in the third article of the treaty of 1835, and in the third section of the act of Congress, approved May twenty-eighth, 1830, which authorises the President of the United States, in making exchanges of lands with the Indian tribes, 'to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guarantee to them, and their heirs or successors, the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States, if the Indians become extinct or abandon the same.'"

The treaty of July 19, 1866 (14 Stat., 799), does not require particular notice.

Without considering or passing upon the objection of a defect of parties defendant, the trial court sustained the demurrer and entered a decree dismissing the bill of complaint. This decree was affirmed, on appeal, by the court of appeals of the District. (20 App., D. C.)

An appeal was thereupon taken to this court.

Mr. Justice WHITE, after making the foregoing statement, delivered the opinion of the court:

The grounds of demurrer to the bill of complaint were summarized in the following reasons embodied in a statement filed with the demurrer:

> 1. The matters named in the bill are matters of administration, which can not be taken away from an executive department and carried into the courts.
>
> 2. That the Cherokee Oil and Gas Company named in the bill is a necessary party to the suit, as shown by the bill.
>
> 3. That the defendant is proceeding in conformity with the act of Congress approved June 28, 1898 (30 Stat., 495), which is a valid exercise of the power of Congress over the property of an Indian tribe.

Preliminary to considering the fundamental question raised by the demurrer, it is necessary to notice two subjects not expressly referred to in the opinion below. They are, first, the objection to the formal sufficiency of certain of the averments in the bill; and, second, the claim that the Cherokee Oil and Gas Company was an indispensable party defendant. With respect to the first-mentioned ground of objection, without going into detail, we think the statements in the bill were sufficient to show that the jurisdiction of a court of equity was properly invoked. So far as the second ground of objection is concerned, we presume that the courts below omitted to pass expressly thereon, because it was deemed that the company named was properly omitted from the bill. As the bill assailed generally the want of power in the Secretary of the Interior to execute leases affecting lands owned by the tribe, and referred to the application pending for a lease made by the Cherokee Oil and Gas Company as manifesting but a particular instance in which it was charged that the Secretary of the Interior might exercise the power conferred by the statute, the corporation named was not an indispensable party to the bill. Clearly every person with whom the Secretary might contract, if he exercised the discretion vested in him by the statute were not indispensable parties to the determination of the question whether the statute had lawfully conferred such discretionary power upon the official in question. This brings us to consider the fundamental question which the case involves, that is, the contention on behalf of the Government that the decree below should be sustained because the act of June 28, 1898, is a valid exercise of power vested in Congress, and fully authorized the Secretary of the Interior to do and perform the things which the complainants seek to have him enjoined from doing.

Before noticing the pertinent provisions of the act of June 28, 1898, reference will be made to antecedent legislation by Congress which led up to the enactment of the statute in question. In the statement preceding the opinion, delivered through Mr. Chief Justice Fuller, in Stephens *v.* Cherokee Nation (174 U. S., 445), it was said:

> By the sixteenth section of the Indian appropriation act of March 30, 1893 (27 Stat. L., 612, 645, chap. 209), the President was authorized to appoint, by and with the advice and consent of the Senate, three commissioners "to enter into negotiations with the Cherokee Nation, Choctaw Nation, Chickasaw Nation, the Muscogee (or Creek) Nation, the Seminole Nation, for the purpose of the extinguishment of the national or tribal title to any lands within that territory now held by any and all such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory."
>
> The Commission was appointed and entered on the discharge of its duties, and under the sundry civil appropriation act of March 2, 1895 (28 Stat. L., 939, chap. 189), two additional members were appointed. It is commonly styled the "Dawes Commission."

On November 20, 1894, and November 18, 1895, the Dawes Commission made reports of the condition of affairs in the Indian Territory. These reports, as also a report of the Senate Committee on the Five Civilized Tribes, of date May 7, 1894, were referred to and were quoted from in the statement of facts made by the court in the Stephens case. The reports asserted the existence of a state of affairs in the

Indian Territory "abhorrent to the spirit of our institutions," and declared the necessity of assumption by the United States of "responsibility for future conditions in the Territory" and the need of independent legislation by Congress in that behalf. Thus the Senate Committee on the Five Civilized Tribes of Indians in a report on May 7, 1894 (Senate Rep. No. 377, 53d Cong., 2d sess.), said in part:

> As we have said, the title to these lands is held by the tribe in trust for the people. We have shown that this trust is not being properly executed, nor will it be if left to the Indians, and the question arises, What is the duty of the Government of the United States with reference to this trust? While we have recognized these tribes as dependent nations, the Government has likewise recognized its guardianship over the Indians and its obligations to protect them in their property and personal rights.
>
> In the treaty with the Cherokees, made in 1846, we stipulated that they should pass laws for equal protection and for the security of life, liberty, and property. If the tribe fails to administer its trust properly by securing to all the people of the tribe equitable participation in the common property of the tribe, there appears to be no redress for the Indian so deprived of his rights unless the Government does interfere to administer such trust.

By a provision in the act of June 10, 1896 (29 Stat., 321, 339), said Commission was directed to continue the exercise of the authority already conferred upon it, and was invested with further powers in respect of hearing and determining applications for citizenship in said tribes and making rolls of the members thereof.

A provision in the act of June 7, 1897 (30 Stat., 62, 84), directed said Commission to continue to exercise all authority theretofore conferred upon it to negotiate with said Five Tribes, and gave further direction respecting the making of rolls and citizenship.

The act of June 28, 1898 (30 Stat., 495), entitled "An act for the protection of the people of the Indian Territory, and for other purposes," contains provisions for the completion of the rolls of citizenship of said tribes, for the reservation of town sites and the sale of lots therein, and for the allotment of the exclusive use and occupancy of the surface of all lands susceptible of allotment among the citizens of the respective tribes, with a provision as follows (sec. 11):

> But all oil, coal, asphalt, and mineral deposits in the lands of any tribe are reserved to such tribe, and no allotment of such land shall carry the title to such oil, coal, asphalt, or mineral deposits.

Section 13 of said act contains provisions for leasing the oil, coal, asphalt, and mineral deposits, as follows:

> That the Secretary of the Interior is hereby authorized and directed from time to time to provide rules and regulations in regard to the leasing of oil, coal, asphalt, and other minerals in said Territory, and all such leases shall be made by the Secretary of the Interior; and any lease for any such minerals otherwise made shall be absolutely void. No lease shall be made or renewed for a longer period than fifteen years, nor cover the mineral in more than six hundred and forty acres of land, which shall conform as nearly as possible to the surveys. Lessees shall pay on each oil, coal, asphalt, or other mineral claim at the rate of one hundred dollars per annum, in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years, and five hundred dollars, in advance, for each succeeding year thereafter, as advanced royalty on the mine or claim on which they are made. All such payments shall be a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments; and all lessees must pay said annual advanced payments on each claim, whether developed or undeveloped; and should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance shall then become and be the money and property of the tribe. Where any oil, coal, asphalt, or other mineral is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land by the lessee or party operating the same, before operations begin: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral, which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties as herein provided, when such leases are not operated, to the rate of royalty on coal mined, and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases: *And provided further*, That when, under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of oil, coal, asphalt, or other mineral deposits, and possession has been taken thereunder and improvements made for the development of such oil, coal, asphalt, or other mineral deposits by lessees or their assigns, which have resulted in the production of oil, coal, asphalt, or other mineral in commercial quantities by such lessees or their assigns, then such parties in possession shall be given preference in the making of new leases, in compliance with the directions of the Secretary of the Interior; and in making new leases due consid-

eration shall be made for the improvements of such lessees; and in all cases of the leasing or renewal of leases of oil, coal, asphalt, and other mineral deposits preference shall be given to parties in possession who have made improvements. The rate of royalty to be paid by all lessees shall be fixed by the Secretary of the Interior.

Section 16 contains a provision as to the payment and distribution of rents and royalties due said tribes, as follows:

> That it shall be unlawful for any person, after the passage of this act, except as hereinafter provided, to claim, demand, or receive, for his own use or for the use of anyone else, any royalty on oil, coal, asphalt, or other mineral, or on any timber or lumber, or any other kind of property whatsoever, or any rents on any lands or property belonging to any one of said tribes or nations in said Territory, or for anyone to pay to any individual any such royalty or rents or any consideration therefor whatsoever; and all royalties and rents hereafter payable to the tribe shall be paid, under such rules and regulations as may be prescribed by the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe to which they belong.

As the acts done and contemplated to be done by the appellee and assailed by the bill of complaint are presumably not the subject of criticism, in the event that the act of June 28, 1898, was a constitutional and valid exercise of power by Congress, we will now address ourselves to a consideration of that statute.

Prior to the act of March 3, 1871 (16 Stat., 544, 566, now sec. 2079, Rev. Stat.), which statute, in effect, voiced the intention of Congress thereafter to make the Indian tribes amenable directly to the power and authority of the laws of the United States by the immediate exercise of its legislative power over them, the customary mode of dealing with the Indian tribes was by treaty. As, however, held in Cherokee Nation *v.* Southern Kansas Railway Co. (135 U. S., 641, 653), reaffirmed in Stephens *v.* Cherokee Nation (174 U. S., 445, 484), while the Cherokee Nation and other Indian tribes domiciled within the United States had been recognized by the United States as separate communities, and engagements entered into with them by means of formal treaties, they were yet regarded as in a condition of pupilage or dependency, and subject to the paramount authority of the United States.

Reviewing decisions of this court rendered prior to the act of 1871, and particularly considering the status of the very tribe of Indians affected by the present litigation, the court commented upon a declaration made in a previous decision that this Government had "admitted, by the most solemn sanction, the existence of the Indians as a separate and distinct people, and as being invested with rights which constitute them a state, or separate community." It was observed of this declaration that it fell "far short of saying that they are a sovereign State, with no superior within the limits of its territory." Considering the treaty of 1835 with the Cherokee Nation, under which it is now claimed, on behalf of the appellants, that the Cherokees became vested with the sole control over the lands ceded to them, the court observed (p. 485):

> By the treaty of New Echota, 1835, the United States covenanted and agreed that the lands ceded to the Cherokee Nation should at no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory, and that the Government would secure to that nation "the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government of the persons and property within their own country, belonging to their people or such persons as have connected themselves with them;" and, by the treaties of Washington, 1846 and 1866, the United States guaranteed to the Cherokees the title and possession of their lands and jurisdiction over their country. (Revision of Indian Treaties, pp. 65, 79, 85.) But neither these nor any previous treaties evinced any intention upon the part of the Government to discharge them from their condition of pupilage or dependency, and constitute them a separate, independent, sovereign people, with no superior within its limits.

It results, then, from the doctrine of the decisions of this court that the demurrer was properly sustained, because of the fact that the matters named in the bill were matters of administration, to which the act of June 28 was applicable, and they were solely cognizable by the executive department of the Government. The decision in Stephens *v.* Cherokee Nation (174 U. S., 445) is particularly in point, as that case involved the validity of the very act under consideration, and the precedent correlative legislation, wherein the United States practically assumed the full control over the Cherokees, as well as the other nations constituting the Five Civilized Tribes, and took upon itself the determination of membership in the tribes for the purpose of adjusting their rights in the tribal property. The plenary power of control by Congress over the Indian tribes and its undoubted power to legislate, as it had done through the act of 1898, directly for the protection of the tribal property, was in that case reaffirmed.

Thus, in the course of its opinion, after alluding to the legislation concerning the Dawes Commission, the court said:

> It may be remarked that the legislation seems to recognize, especially the act of June 28, 1898, a distinction between admission to citizenship merely and the distribution of property to be subsequently made, as if there might be circumstances under which the right to a share in the latter would not necessarily follow from the concession of the former. But in any aspect, we are of opinion that the constitutionality of the acts in respect of the determination of citizenship can not be successfully assailed on the ground of the impairment or destruction of vested rights. The lands and moneys of these tribes are public lands and public moneys, and are not held in individual ownership, and the assertion by any particular applicant that his right therein is so vested as to preclude inquiry into his status involves a contradiction in terms.

The holding that Congress had power to provide a method for determining membership in the Five Civilized Tribes, and for ascertaining the citizenship thereof preliminary to a division of the property of the tribe among its members, necessarily involved the further holding that Congress was vested with authority to adopt measures to make the tribal property productive and secure therefrom an income for the benefit of the tribe.

Whatever title the Indians have is in the tribe and not in the individuals, although held by the tribe for the common use and equal benefit of all the members. (The Cherokee Trust Funds, 117 U. S., 288, 308.) The manner in which this land is held is described in Cherokee Nation *v.* Journeycake (155 U. S., 196, 207), where this court, referring to the treaties and the patent mentioned in the bill of complaint herein, said:

> Under these treaties, and in December, 1838, a patent was issued to the Cherokees for these lands. By that patent whatever of title was conveyed was conveyed to the Cherokees as a nation, and no title was vested in severalty in the Cherokees, or any of them.

There is no question involved in this case as to the taking of property; the authority which it is proposed to exercise, by virtue of the act of 1898, has relation merely to the control and development of the tribal property, which still remains subject to the administrative control of the Government, even though the members of the tribe have been invested with the status of citizenship under recent legislation.

We are not concerned in this case with the question whether the act of June 28, 1898, and the proposed action thereunder, which is complained of, is or is not wise, and calculated to operate beneficially to the interests of the Cherokees. The power existing in Congress to administer upon and guard the tribal property, and the power being political and administrative in its nature, the manner of its exercise is a question within the province of the legislative branch to determine, and is not one for the courts.

Affirmed.

DECISION IN THE CASE OF LONE WOLF.

SUPREME COURT OF THE UNITED STATES.

No. 275.—October term, 1902.

Lone Wolf, principal chief of the Kiowas, et al., appellants, v. Ethan A. Hitchcock, Secretary of the Interior, et al.

Appeal from the court of appeals of the District of Columbia.

[January 5, 1903.—187 U. S., 553.]

In 1867 a treaty was concluded with the Kiowa and Comanche tribes of Indians, and such other friendly tribes as might be united with them, setting apart a reservation for the use of such Indians. By a separate treaty the Apache tribe of Indians was incorporated with the two former named and became entitled to share in the benefits of the reservation. (15 Stat., 581, 589.)

The first-named treaty is usually called the Medicine Lodge treaty. By the sixth article thereof it was provided that heads of families might select a tract of land within the reservation, not exceeding 320 acres in extent, which should thereafter cease to be held in common, and should be for the exclusive possession of the Indian making the selection, so long as he or his family might continue to cultivate the land. The twelfth article of the treaty was as follows:

> ART. 12. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article III (VI) of this treaty.

The three tribes settled under the treaties upon the described land. On October 6, 1892, 456 male adult members of the confederated tribes signed, with three commissioners representing the United States, an agreement concerning the reservation. The Indian agent, in a certificate appended to the agreement, represented that there were then 562 male adults in the three tribes. (Senate Ex. Doc. No. 27, Fifty-second Congress, second session, p. 17.) Four hundred and fifty-six male adults therefore constituted more than three-fourths of the certified number of total male adults in the three tribes. In form the agreement was a proposed treaty, the terms of which, in substance, provided for a surrender to the United States of the rights of the tribes in the reservation, for allotments out of such lands to the Indians in severalty, the fee-simple title to be conveyed to the allottees or their heirs after the expiration of twenty-five years, and the payment or setting apart for the benefit of the tribes of $2,000,000 as the consideration for the surplus of land over and above the allotments which might be made to the Indians. It was provided that sundry named friends of the Indians (among such persons being the Indian agent and an army officer) "should each be entitled to all the benefits, in land only, conferred under this agreement, the same as if members of said tribes." Eliminating 350,000 acres of mountainous land, the quantity of surplus lands suitable for farming and grazing purposes was estimated at 2,150,000 acres. Concerning the payment to be made for these surplus lands, the Commission, in their report to the President announcing the termination of the negotiations, said (Senate Ex. Doc. No. 17, Fifty-second Congress, second session):

> In this connection it is proper to add that the Commission agreed with the Indians to incorporate the following in their report, which is now done:
>
> The Indians upon this reservation seem to believe (but whether from an exercise of their own judgment or from the advice of others the Commission can not determine) that their surplus land is worth $2,500,000, and Congress may be induced to give them that much for it. Therefore, in compliance with their request, we report that they desire to be heard through an attorney and a delegation to Washington upon that question, the agreement signed, however, to be effective upon ratification, no matter what Congress may do with their appeal for the extra half million dollars.

In transmitting the agreement to the Secretary of the Interior the Commissioner of Indian Affairs said:

> The price paid, while considerably in excess of that paid to the Cheyennes and Arapahoes, seems to be fair and reasonable both to the Government and the Indians, the land being, doubtless, of better quality than that in the Cheyenne and Arapahoe reservation.

Attention was directed to the provision in the agreement in favor of the Indian agent and an army officer, and it was suggested that to permit them to avail thereof would establish a bad precedent.

Soon after the signing of the foregoing agreement it was claimed by the Indians that their assent had been obtained by fraudulent misrepresentations of its terms by the interpreters, and it was asserted that the agreement should not be held binding upon the tribes because three-fourths of the adult male members had not assented thereto, as was required by the twelfth article of the Medicine Lodge treaty.

Obviously, in consequence of the policy embodied in section 2079 of the Revised Statutes, departing from the former custom of dealing with Indian affairs by treaty and providing for legislative action on such subjects, various bills were introduced in both Houses of Congress designed to give legal effect to the agreement made by the Indians in 1892. These bills were referred to the proper committee, and before such committees the Indians presented their objections to the propriety of giving effect to the agreement. (House Doc. No. 431, Fifty-fifth Congress, second session.) In 1898 the Committee on Indian Affairs of the House of Representatives unanimously reported a bill for the execution of the agreement made with the Indians. The report of the committee recited that a favorable conclusion had been reached by the committee "after the fullest hearings from delegations of the Indian tribes and all parties at interest." (House Doc. No. 419, Fifty-sixth Congress, first session, p. 5.)

The bill thus reported did not exactly conform to the agreement as signed by the Indians. It modified the agreement by changing the time for making the allotments, and it also provided that the proceeds of the surplus lands remaining after allotments to the Indians should be held to await the judicial decision of a claim asserted by the Choctaw and Chickasaw tribes of Indians to the surplus lands. This claim was based upon a treaty made in 1866, by which the two tribes ceded the reservation in question, it being contended that the lands were impressed with a trust in favor of the ceding tribes, and that whenever the reservation was abandoned so much of it as was not allotted to the confederated Indians of the Comanche, Kiowa, and Apache tribes reverted to the Choctaws and Chickasaws.

The bill just referred to passed the House of Representatives on May 16, 1898. (Thirty-first Congress, Rec., p. 4947.) When the bill reached the Senate, that body, on January 25, 1899, adopted a resolution calling upon the Secretary of the Interior for information as to whether the signatures attached to the agreement comprised three-fourths of the male adults of the tribes. In response the Secretary of the Interior informed the Senate, under date of January 28, 1899, that the records of the Department "failed to show a census of these Indians for the year 1892," but that "from a roll used in making a payment to them in January and February, 1893, it appeared that there were 725 males over 18 years of age, of whom 639 were 21 years and over." The Secretary further called attention to the fact that by the agreement of 1892 a right of selection was conferred upon each member of the tribes over 18 years of age, and observed:

> If 18 years and over be held to be the legal age of those who were authorized to sign the agreement, the number of persons who actually signed was 87 less than three-fourths of the adult male membership of the tribes; and if 21 years be held to be the minimum age, then 23 less than three-fourths signed the agreement. In either event less than three-fourths of the male adults appear to have so signed.

With this information before it, the bill was favorably reported by the Committee on Indian Affairs of the Senate, but did not pass that body.

At the first session of the following Congress (the Fifty-sixth) bills were introduced in both the Senate and House of Representatives substantially like that which has just been noticed. (S. 1352; H. R. 905.)

In the meanwhile, about October, 1899, the Indians had, at a general council, at which 571 male adults of the tribes purported to be present, protested against the execution of the provisions of the agreement of 1892, and adopted a memorial to Congress, praying that that body should not give effect to the agreement. This memorial was forwarded to the Secretary of the Interior by the Commissioner of Indian Affairs with lengthy comments, pointing out the fact that the Indians claimed that their signatures to the agreement had been procured by fraud and that the legal number of Indians had not signed the agreement, and that the previous bills and bills then pending contemplated modification of the agreement in important particulars without the consent of the Indians. This communication from the Commissioner of Indian Affairs, together with the memorial of the Indians, were transmitted by the Secretary of the Interior to Congress. (Senate Doc. No. 76, House Doc. No. 333, Fifty-sixth Congress, first session.) Attention was called to the fact that, although by the agreement of October 6, 1892, one-half of each allotment was contemplated to be agricultural land, there was only sufficient agricultural land in the entire reservation to average 30 acres per Indian. After setting out the charges of fraud and complaints respecting the proposed amendments designed to be made to the agreement, as above stated, particular complaint was made of the provision in the agreement of 1892 as to allotments in severalty among the Indians of lands for agricultural purposes. After reciting that the tribal lands were not adapted to such purposes, but were suitable for grazing, the memorial proceeded as follows:

> We submit that the provision for lands to be allotted to us under this treaty are insufficient, because it is evident we can not, on account of the climate of our section, which renders the maturity of crops uncertain, become a successful farming community; that we, or whoever else occupies these lands, will have to depend upon the cattle industry for revenue and support. And we therefore pray, if we can not be granted the privilege of keeping our reservation under the treaty made with us in 1868, and known as the Medicine Lodge treaty, that authority be granted for the consideration of a new treaty that will make the allowance of land to be allotted to us sufficient for us to graze upon it enough stock cattle, the increase from which we can market for support of ourselves and families.

With the papers just referred to before it, the House Committee on Indian Affairs, in February, 1900, favorably reported a bill to give effect to the agreement of 1892.

On January 19, 1900, an act was passed by the Senate, entitled "An act to ratify an agreement made with the Indians of the Fort Hall Indian Reservation in Idaho, and making an appropriation to carry the same into effect." In February, 1900, the House Committee on Indian Affairs, having before it the memorial of the Indians transmitted by the Secretary of the Interior, and also having for consideration the Senate bill just alluded to, reported that bill back to the House favorably, with certain amendments. (House Doc. No. 419, Fifty-sixth Congress, first session.) One of such amendments consisted in adding to the bill in question, as section 6, a provision to execute the agreement made with the Kiowa, Comanche, and Apache Indians in 1892. Although the bill thus reported embodied the execution of the agreement last referred to, the title of the bill was not changed, and consequently referred only to the execution of the agreement made with the Indians of the Fort Hall Reservation in Idaho. The provisions thus embodied in section 6 of the bill in question substantially conformed to those contained in the bill which had previously passed the House, except that the previous enactment on this subject was changed so as to do away with the necessity for making to each Indian one-half of his allotment in agricultural land and the other half in grazing land. In addition a clause was inserted in the bill providing for the setting apart of a large amount of grazing land to be used in common by the Indians. The provision in question was as follows:

> That in addition to the allotment of lands to said Indians as provided for in this agreement, the Secretary of the Interior shall set aside for the use in common for said Indian tribes 480,000 acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts as will best subserve the interest of said Indians.

The provision of the agreement in favor of the Indian agent and army officer was also eliminated.

The bill, moreover, exempted the money consideration for the surplus lands from all claims for Indian depredations, and expressly provided that in the event the claim of the Choctaws and Chickasaws was ultimately sustained, the consideration referred to should be subject to the further action of Congress. In this bill, as in previous ones, provision was made for allotments to the Indians, the opening of the surplus land for settlement, etc. The bill became a law by concurrence of the Senate in the amendments adopted by the House as just stated.

Thereafter, by acts approved on January 4, 1901 (chap. 8, 31 Stat., 727), March 3, 1901 (chap. 832, 31 Stat., 1078), and March 3, 1901 (chap. 846, 31 Stat., 1093), authority was given to extend the time for making allotments and opening of the surplus land for settlement for a period not exceeding eight months from December 6, 1900; appropriations were made for surveys in connection with allotments and setting apart of grazing lands; and authority was conferred to establish counties and county seats, town sites, etc., and proclaim the surplus lands open for settlement by white people.

On June 6, 1901, a bill was filed on the equity side of the supreme court of the District of Columbia, wherein Lone Wolf (one of the appellants herein) was named as complainant, suing for himself as well as for all other members of the confederated tribes of the Kiowa, Comanche, and Apache Indians, residing in the Territory of Oklahoma. The present appellees (the Secretary of the Interior, the Commissioner of Indian Affairs, and the Commissioner of the General Land Office) were made respondents to the bill. Subsequently, by an amendment to the bill, members of the Kiowa, Comanche, and Apache tribes were joined with Lone Wolf as parties complainant.

The bill recited the establishing and occupancy of the reservation in Oklahoma by the confederated tribes of Kiowa, Comanche, and Apaches, the signing of the agreement of October 6, 1892, and the subsequent proceedings which have been detailed, culminating in the passage of the act of June 6, 1900, and the acts of Congress supplementary to said act. In substance it was further charged in the bill that the agreement had not been signed as required by the Medicine Lodge treaty—that is, by three-fourths of the male adult members of the tribe, and that the signatures thereto had been obtained by fraudulent misrepresentations and concealment, similar to those recited in the memorial signed at the 1899 council.

In addition to the grievance previously stated in the memorial, the charge was made that the interpreters falsely represented, when the said treaty was being considered by the Indians, that the treaty provided "for the sale of their surplus lands at some time in the future at the price of $2.50 per acre;" whereas, in truth and in fact, "by the terms of said treaty, only $1 an acre is allowed for said surplus lands," which sum, it was charged, was an amount far below the real value of said lands. It was also averred that portions of the signed agreement had been changed by Congress without submitting such changes to the Indians for their consideration. Based upon the foregoing allegations, it was alleged that so much of said act of Congress of June 6, 1900, and so much of said acts supplementary thereto and amendatory thereof as provided for the taking effect of said agreement, the allotment of certain lands mentioned therein to members of said Indian tribes, the surveying, laying out, and platting town sites and locating county seats on said lands, and the ceding to the United States and the opening to settlement by white men of 2,000,000 acres of said lands, were enacted in violation of the property rights of the said Kiowa, Comanche, and Apache Indians, and if carried into effect would deprive said Indians of their lands without due process of law, and that said parts of said acts were contrary to the Constitution of the United States, and were void, and conferred no right, power, or duty upon the respondents to do or perform any of the acts or things enjoined or required by the acts of Congress in question. Alleging the intention of the respondents to carry into effect the aforesaid claimed unconstitutional and void acts, and asking discovery by answers to interrogatories propounded to the respondents, the allowance of a temporary restraining order and a final decree awarding a perpetual injunction was prayed, to restrain the commission by the respondents of the alleged unlawful acts by them threatened to be done. General relief was also prayed.

On January 6, 1901, a rule to show cause why a temporary injunction should not be granted was issued. In response to this rule an affidavit of the Secretary of the Interior was filed, in which, in substance, it was averred that the complainant (Lone Wolf) and his wife and daughter had selected allotments under the act of June 6, 1900, and the same had been approved by the Secretary of the Interior, and that all other members of the tribes, excepting twelve, had also accepted and retained allotments in severalty, and that the greater part thereof had been approved before the bringing of this suit. It was also averred that the 480,000 acres of grazing land provided to be set apart in the act of June 6, 1900, for the use by the Indians in common, had been so set apart prior to the institution of the suit, "with the approval of a council composed of chiefs and headmen of said Indians." Thereupon an affidavit verified by Lone Wolf was filed, in which, in effect, he denied that he had accepted an allotment of lands under the act of June 6, 1900, and the acts supplementary to and amendatory thereof. Thereafter, on June 17, 1901, leave was given to amend the bill, and the same was amended, as heretofore stated, by adding additional parties complainant and by providing a substituted first paragraph of the bill, in which was set forth, among other things, that the three tribes, at a general council held on June 7, 1901, had voted to institute all legal and other proceedings necessary to be taken to prevent the carrying into effect of the legislation complained of.

The supreme court of the District, on June 21, 1901, denied the application for a temporary injunction. The cause was thereafter submitted to the court on a demurrer to the bill as amended. The demurrer was sustained, and the complainants electing not to plead further, on June 26, 1901, a decree was entered in favor of the respondents. An appeal was thereupon taken to the court of appeals of the District. While this appeal was pending the President issued a proclamation, dated July 4, 1901 (32 Stat., Appx. Proclamations, 11), in which it was ordered that the surplus lands ceded by the Comanche, Kiowa, and Apache, and other tribes of Indians, should be opened to entry and settlement on August 6, 1901. Among other things it was recited in the proclamation that all the conditions required by law to be performed prior to the opening of the lands to settlement and entry had been performed. It was also therein recited that, in pursuance of the act of Congress ratifying the agreement, allotments of land in severalty had been regularly made to each member of the Comanche, Kiowa, and Apache tribes of Indians; the lands occupied by religious societies or other organizations for religious or educational work among the Indians had been regularly allotted and confirmed to such societies and organizations, respectively; and the Secretary of the Interior, out of the lands ceded by the agreement, and regularly selected and set aside for the use in common for said Comanche, Kiowa, and Apache tribes of Indians 480,000 acres of grazing lands.

The court of appeals (without passing on a motion which had been made to dismiss the appeal) affirmed the decree of the court below, and overruled a motion for reargument. (19 App. D. C., 315.) An appeal was allowed, and the decree of affirmance is now here for review.

Mr. Justice White, after making the foregoing statement, delivered the opinion of the court.

By the sixth article of the first of the two treaties referred to in the preceding statement, proclaimed on August 25, 1868 (15 Stat., 581), it was provided that heads of families of the tribes affected by the treaty might select, within the reservation, a tract of land of not exceeding 320 acres in extent, which should thereafter cease to be held in common, and should be for the exclusive possession of the Indian making the selection, so long as he or his family might continue to cultivate the land. The twelfth article reads as follows:

> Article 12. No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article III (VI) of this treaty.

The appellants base their right to relief on the proposition that by the effect of the article just quoted the confederated tribes of Kiowa, Comanche, and Apache were vested with an interest in the lands held in common within the reservation, which interest could not be divested by Congress in any other mode than that specified in the said twelfth article, and that as a result of the said stipulation the interest of the Indians in the common lands fell within the protection of the fifth amendment to the Constitution of the United States, and such interest—indirectly at least—came under the control of the judicial branch of the Government. We are unable to yield our assent to this view.

The contention, in effect, ignores the status of the contracting Indians and the relation of dependency they bore and continue to bear toward the Government of the United States. To uphold the claim would be to adjudge that the indirect operation of the treaty was to materially limit and qualify the controlling authority of Congress in respect to the care and protection of the Indians, and to deprive Congress, in a possible emergency, when the necessity might be urgent for a partition and disposal of the tribal lands, of all power to act if the assent of the Indians could not be obtained.

Now, it is true that in decisions of this court the Indian right of occupancy of tribal lands, whether declared in a treaty or otherwise created, has been stated to be sacred, or, as sometimes expressed, as sacred as the fee of the United States in the same lands. (Johnson *v.* McIntosh (1823), 8 Wheat., 543, 574; Cherokee Nation *v.* Georgia (1831), 5 Pet., 1, 48; Worcester *v.* Georgia (1832), 6 Pet., 515, 581; United States *v.* Cook (1873), 19 Wall., 591, 592; Leavenworth, etc., Railroad Company *v.* United States (1875), 92 U. S., 733, 755; Beecher *v.* Wetherby (1877), 95 U. S., 525.) But in none of these cases was there involved a controversy between Indians and the Government respecting the power of Congress to administer the property of the Indians. The questions considered in the cases referred to, which either directly or indirectly had relation to the nature of the property rights of the Indians, concerned the character and extent of such rights as respected States or individuals. In one of the cited cases it was clearly pointed out that Congress possessed a paramount power over the property of the Indians by reason of its exercise of guardianship over their interests, and that such authority might be implied, even though opposed to the strict letter of a treaty with the Indians. Thus, in Beecher *v.* Wetherby (95 U. S., 525), discussing the claim that there had been a prior reservation of land by treaty to the use of a certain tribe of Indians, the court said (p. 525):

> But the right which the Indians held was only that of occupancy. The fee was in the United States, subject to that right, and could be transferred by them whenever they chose. The grantee, it is true, would take only the naked fee, and could not disturb the occupancy of the Indians; that occupancy could only be interfered with or determined by the United States. It is to be presumed that in this

matter the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race. Be that as it may, the propriety or justice of their action toward the Indians with respect to their lands is a question of governmental policy, and is not a matter open to discussion in a controversy between third parties, neither of whom derives title from the Indians.

Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the Government. Until the year 1871 the policy was pursued of dealing with the Indian tribes by means of treaties, and of course a moral obligation rested upon Congress to act in good faith in performing the stipulations entered into on its behalf. But, as with treaties made with foreign nations (Chinese Exclusion Cases, 130 U. S., 581, 600), the legislative power might pass laws in conflict with treaties made with the Indians. (Thomas *v.* Gay, 169 U. S., 264, 270; Ward *v.* Race Horse, 163 U. S., 504, 511; Spalding *v.* Chandler, 160 U. S., 394, 405; Missouri, Kansas and Texas Ry. Co. *v.* Roberts, 152 U. S., 114, 117; The Cherokee Tobacco, 11 Wall., 616.)

The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so. When, therefore, treaties were entered into between the United States and a tribe of Indians it was never doubted that the power to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of governmental policy, particularly if consistent with perfect good faith toward the Indians. In United States *v.* Kagama (1885), 118 U. S., 375, speaking of the Indians, the court said (p. 382):

> After an experience of a hundred years of the treaty-making system of government Congress has determined upon a new departure—to govern them by acts of Congress. This is seen in the act of March 3, 1871, embodied in section 2079 of the Revised Statutes: "No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March third, eighteen hundred and seventy-one, shall be hereby invalidated or impaired."

In upholding the validity of an act of Congress which conferred jurisdiction upon the courts of the United States for certain crimes committed on an Indian reservation within a State, the court said (p. 383):

> It seems to us that this is within the competency of Congress. These Indian tribes are the wards of the nation. They are communities dependent on the United States; dependent largely for their daily food; dependent for their political rights. They owe no allegiance to the States, and receive from them no protection. Because of the local ill feeling the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises the duty of protection, and with it the power. This has always been recognised by the Executive and by Congress, and by this court, whenever the question has arisen.
>
> * * * * * * *
>
> The power of the General Government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary to their protection, as well as to the safety of those among whom they dwell. It must exist in that Government, because it never has existed anywhere else; because the theater of its exercise is within the geographical limits of the United States; because it has never been denied, and because it alone can enforce its laws on all the tribes.

That Indians who had not been fully emancipated from the control and protection of the United States are subject, at least so far as the tribal lands were concerned, to be controlled by direct legislation of Congress is also declared in Choctaw Nation *v.* United States (119 U. S., 1, 27) and Stephens *v.* Choctaw Nation (174 U. S., 445, 483).

In view of the legislative power possessed by Congress over treaties with the Indians and Indian tribal property we may not specially consider the contentions pressed upon our notice that the signing by the Indians of the agreement of October 6, 1892, was obtained by fraudulent misrepresentations and concealment; that the requisite three-fourths of adult male Indians had not signed, as required by the twelfth article of the treaty of 1867, and that the treaty as signed had been amended by Congress without submitting such amendments to the action of the Indians, since all these matters, in any event, were solely within the domain of the legislative authority, and its action is conclusive upon the courts.

The act of June 6, 1900, which is complained of in the bill, was enacted at a time when the tribal relations between the confederated tribes of Kiowas, Comanches, and Apaches still existed, and that statute and the statutes supplementary thereto dealt with the disposition of tribal property and purported to give an adequate consideration for the surplus lands not allotted among the Indians or reserved for their benefit. Indeed, the controversy which this case presents is concluded by the decision in Cherokee Nation *v.* Hitchcock (187 U. S., 294), decided at this term, where it was held that full administrative power was possessed by Congress over Indian tribal property. In effect, the action of Congress now complained of was but an exercise of such power, a mere change in the form of investment of Indian tribal property, the property of those who, as we have held, were in substantial effect the wards of the Government. We must presume that Congress acted in perfect good faith in the dealings with the Indians of which complaint is made, and that the legislative branch of the Government exercised its best judgment in the premises. In any event, as Congress possessed full power in the matter, the judiciary can not question or inquire into the motives which prompted the enactment of this legislation. If injury was occasioned, which we do not wish to be understood as implying, by the use made by Congress of its power, relief must be sought by an appeal to that body for redress and not to the courts. The legislation in question was constitutional, and the demurrer to the bill was therefore rightly sustained.

The motion to dismiss does not challenge jurisdiction over the subject-matter. Without expressly referring to the propositions of fact upon which it proceeds, suffice it to say that we think it need not be further adverted to, since, for the reasons previously given and the nature of the controversy, we think the decree below should be affirmed.

And it is so ordered.

Mr. Justice Harlan concurs in the result.

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